

Bradley L. Reynolds

DOC NO.: 947739

Stafford Creek Corrections Center

191 Constantine way

Aberdeen, WA. 98520

RECEIVED

SEP 5 2018

CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

Directed To:

Derek M. Byrne, Clerk, et al.

Washington State Court of Appeals, Division II

950 Broadway, Suite 30

Tacoma, WA. 98402-4454

RE: State v. Reynolds, COA No.: 51630-6-II

Date: August 31, 2018 A.D.

Dear Mr. Byrne and Court of Appeals:

Please find enclosed herewith a Personal
Restraint Petition and Attachments (Exhibits
A, B, C, D & E) for filing and consolidation
with direct appeal in re case No.: 51630-6-II,
ibid.

Motion and argument for consolidation is
included in the attached PRP.

Also, please find a current PIRA regarding
my indigency for PRP filing purposes.

Thank you for your time,

Sincerely, Brad Reynolds, Petitioner

Bradley Lewis Reynolds
DOC #47739
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA. 98520

FILED
COURT OF APPEALS
DIVISION II
2018 SEP -5 AM 11:10
STATE OF WASHINGTON
BY _____
DEPUTY

Directed To:

Derek M Byrne, Clerk
Washington State Court of Appeals, Division II
950 Broadway, Suite 30
Tacoma, WA. 98402-4454

RE: State v. Reynolds, CoA No. 151630-6-II

Date: August 31, 2018 A.D.

Dear Mr. Byrne and Court of Appeals:

I, Bradley Lewis Reynolds, defendant and petitioner in the above cited case, do hereby solemnly declare and depose that I deposited by First Class mail, US Postal Service, an exact copy of the original Personal Restraint Petition and Exhibits A, B, C, D & E attached therewith, that you have received with this Declaration, to: (1) The Prosecutor named in this action, at Cowlitz County Courthouse


SCCC Legal

312 South West First Avenue, Kelso, Washington,
98626; and (2) David B. Koch, Attorney, for
Law Offices of Nielsen, Broman & Koch, P.L.L.C.,
1908 East Madison Street, Seattle, Washington,
98122.

The date of service is the same date of
US Postal Service Mailing, First Class of this
Declaration and attached "Original" Personal
Restraint Petition, to all parties.

I, Bradley L. Reynolds, hereby attests that
the contents contained herein is true, accurate
and complete, the truth, the whole truth, and
nothing but the truth so help me God.

Signed on this 31st day of August 2018 A.D.

Signature: 
Bradley L. Reynolds

cc: Court File

SCCC Legal

08/28/2018

KFALLISON

Department of Corrections

STAFFORD CREEK CORRECTIONS CENTER

PAGE: 01 OF 01

OIRPLRAR

10.2.1.18

PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 03/09/2018 TO 08/28/2018

DOC#: 0000947739

NAME: REYNOLDS BRADLEY

ADMIT DATE: 03/09/2018

DOB: 10/31/1970

ADMIT TIME: 11:31

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
6.67	1.33	2.87	0.57

NOTE: The Average Balances are Calculated on LESS than 6 Months of Data due to Admission on 03/09/2018

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
STAFFORD CREEK CORRECTION CENTER
CERTIFIED BY: 7.0

FILED
COURT OF APPEALS
DIVISION II
2010 SEP -5 AM 11:09
STATE OF WASHINGTON
BY DEPUTY

No. 51630-6-II

IN THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
DIVISION II

In re the Personal Restraint of:
BRADLEY L. REYNOLDS,
Petitioner

PERSONAL RESTRAINT PETITION WITH LEGAL ARGUMENT
AND AUTHORITIES

By:
Bradley L. Reynolds
DOC No. 947739
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, Washington
98520

TABLE OF CONTENTS

I. STATUS OF PETITIONER Pages 8-9.

II. STATEMENT OF THE CASE

A. SOURCES OF FACTS Page 9

III. MOTION FOR CONSOLIDATION OF APPEALS Pages 10-13.

IV. GROUNDS Pages 13-14.

1. SIXTH AMENDMENT VIOLATION(S) OF THE US
CONSTITUTION.

2. FOURTEENTH AMENDMENT VIOLATION(S) OF
THE US CONSTITUTION.

V. ARGUMENT

A. COMPARABILITY Pages 14-24

B. REGISTRATION REQUIREMENT Pages 24-37

VI. STATEMENT OF FINANCES Pages 38-40

VII. REQUEST FOR RELIEF Page 40

IX. OATH Page 41

TABLE OF AUTHORITIES

CASES

- Maynard v. City of Providence, 72 Wn. App. 876, 866 P.2d 1272 (1994). Page 10
- In re Det. of Broken, 130 Wn. App. 326, 122 P.3d 942 (Nov. 15, 2005). Page 11
- State v. Edwards, 157 Wn. App. 517, 237 P.3d 308 (2010). Page 11
- State v. Calvin, 176 Wn. App. 1, 382 P.3d 509 (2013). Page 12
- Haines v. Kerner, 404 U.S. 519 (1972). Page 12
- In re Pers. Restraint of Higgins, 152 Wn. 2d 153, 160 at Analysis pp's. 1 & 2 (July 23, 2001). Page 12
- Stockland v. Washington, 466 U.S. 668, 687-88, 104 S.Ct. 2052, 80 L.Ed.2d (1984). Page 14
- State v. McFarland, 127 Wn. 2d 322, 335 (1995) Page 14
- State v. Howe, 157 Wn. App. 338 (2009). Page 16
- State v. Werneth, 147 Wn. App. 549 (2008). Page 16
- State v. Arndt, 179 Wn. App. 373, 320 P.3d 104, 2014 Wash. App. LEXIS 294 (Wash. Ct. App. 2014). Pages 19, 23
- State v. Beels, 100 Wn. App. 189, 997 P.2d 941, 7000 Wash. App. LEXIS 387 (Wash. Ct. App. 2000). Page 23
- State v. Ford, 137 Wn. 2d 472, 973 P.2d 452, 1999 Wash. LEXIS 131 (Wash. 1999). Page 23
- State v. Russell, 104 Wn. App. 422 (2001). Page 24

TABLE OF AUTHORITIES CONTINUED

- City of Redmond v. Moore, 157 Wn. 2d 664, 91 P.3d 875 (2003) Page 26

STATUTES (Washington State)

- Revised Code of Washington § 9A.44.128(10)(h) Page(s) 15, 16, 20, 24, 25, 26
- Revised Code of Washington § 9A.44.130(10)(h) Page 16
- Revised Code of Washington § 9A.44.079 ... Page 18

STATUTES (Oregon State)

- Oregon Revised Statute § 163.355 Page 17
- Oregon Revised Statute § 163A.050. Page(s) 27, 29, 30, 31, 32
- Oregon Revised Statute § 181.603 Page(s) 29, 31, 32
- Oregon Revised Statute § 163A.010 ... Page(s) 30

TABLE OF AUTHORITIES CONTINUED

- Oregon Revised Statute § 163A.015 ... Page 30

RULES

- Rule of Appellate Procedure § 1.2(a) ... Page 10
- Rule of Appellate Procedure § 10.4(c) ... Page 11
- Rule of Appellate Procedure § 16.4(c)(2)(3) & (5)
..... Page 11
- Rule of Appellate Procedure § 10.1(a) & (h) ... Page 12

CONSTITUTIONAL PROVISIONS

- Sixth Amendment Right to Effective Representation, US Constitution ... Pages 13, 14, 22
- Fourteenth Amendment Right to Due Process of Law ... Pages 13, 22, 25

TABLE OF AUTHORITIES CONTINUED

OTHER POINTS OF AUTHORITY

1. Motion in Limine / Motion to Dismiss and Attachments, herein Incorporated and Marked Exhibits A Total Pages 22
2. Oregon Revised Statutes, herein Incorporated and Marked Exhibits B Total Pages 8
3. Public Records Request For Sex Offender Registration Records in Washington State for year 2000 From Washington State Patrol, herein Incorporated and Marked Exhibits C. Total Pages 16

TABLE OF AUTHORITIES CONTINUED

4. Oregon State Judgment of Conviction and Sentence in re Case No.: 90-262; Year 1990; and Attached Oregon State Probation Violation Judgments and Orders from Years 1992, 1993, 1995, 2000 and 2002; Received by Bradley Reynolds via U.S. Postal Mail From Cowlitz County Public Defense Attorney, Chad Scudder on June 25, 2008, Herein Incorporated and Marked Exhibits D Total Pages 18.

STAND ALONE EXHIBIT INCORPORATED.

1. Cowlitz County Superior Court Transcripts, Marked Exhibit E Total Pages 60.

I. STATUS OF PETITIONER / PROCEDURAL HISTORY

Bradley L. Reynolds is currently incarcerated at the Stafford Creek Corrections in Aberdeen, WA.

Bradley L. Reynolds is hereinafter identified as "petitioner defendant" because he is currently on direct appeal in this Division (Case: State v. Bradley Reynolds, Court of Appeals No. 51630-6-II), of which he is the "defendant" in such case, and this personal restraint petition is motioned for joinder hereto.

The Cowlitz County Prosecutor charged petitioner defendant with failure to register as a sex offender. The Honorable Stephen M. Waring sentenced petitioner defendant to 30 months, exceptional low, and 60 months DOC community custody, in re Cowlitz County, WA. Cause No. 17-1-01348-08.

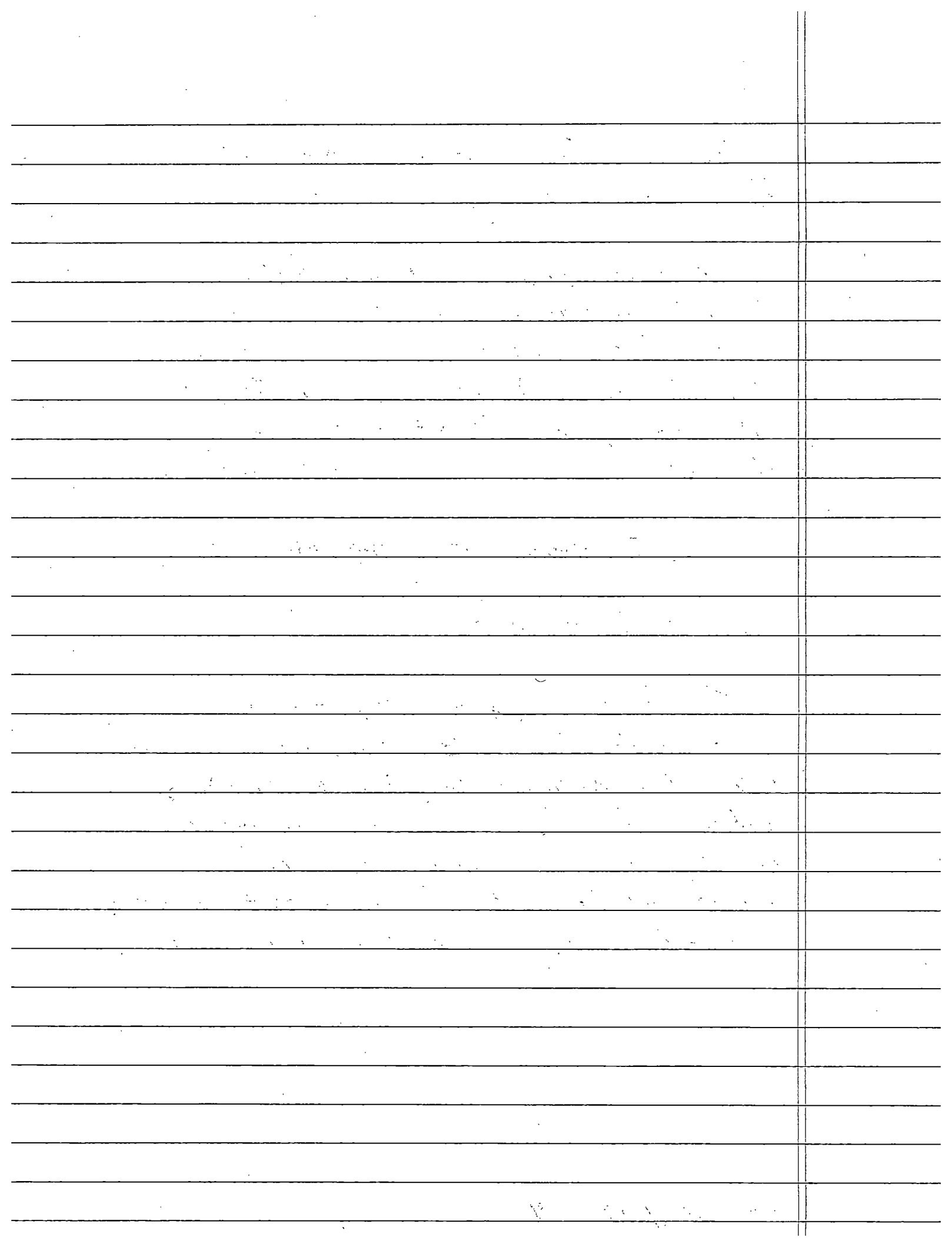
Petitioner Defendant was represented in the superior court by Joshua Baldwin.

Petitioner Defendant is now pro se in this personal restraint petition, but is currently represented by the Law Office of Nielsen, Broman & Koch, P.L.L.C. in Seattle, WA. regarding his Direct appeal of which this petition is motioned to be joined to.

II. STATEMENT OF THE CASE

A. SOURCES OF FACTS

The facts relating to this petition are based on the documentary and record evidence described in detail in the Argument section, *infra*, and additional materials marked Exhibits A, B, C, D and E attached hereto and incorporated herewith. [See the fact supported argument providing a critical timeline hereunder].



III. PETITIONER DEFENDANT'S
INCLUSION OF MOTION TO
CONSOLIDATE APPEALS

Petitioner Defendant hereby moves this Honorable Court to consolidate this personal restraint petition to direct appeal, *State v. Bradley Reynolds*, Court of Appeals No. 51630-6-II, based on reason(s) set forth below.

ARGUMENT FOR CONSOLIDATION.

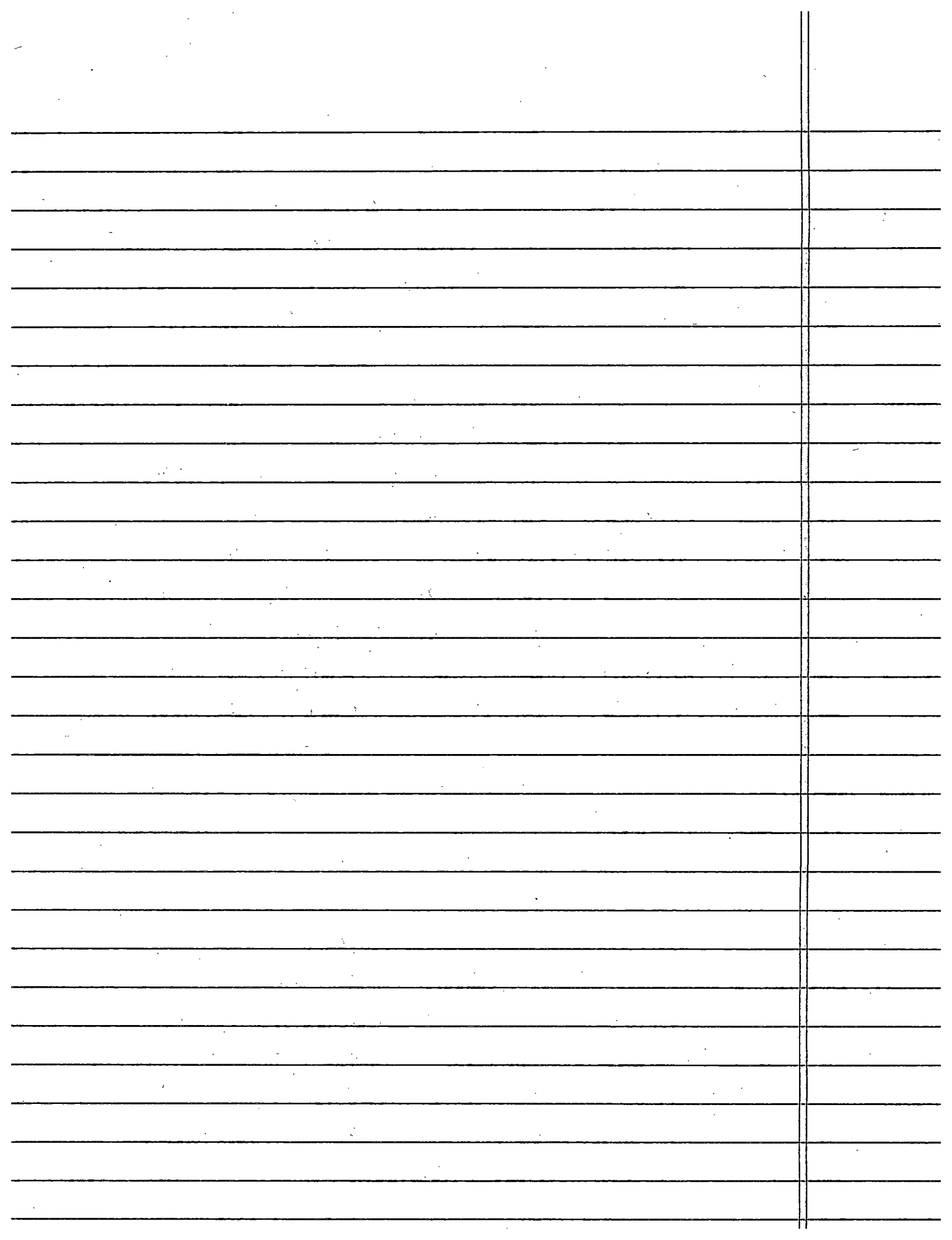
Liberal interpretation hereunder should be considered on the merits of petitioner defendant's claim to consolidate this personal restraint petition to the direct appeal. ["...the court of appeals reviewed appellant's additional evidence because appellate procedure rules are to be interpreted liberally." *Maynard v. City of Providence*, 72 Wn. App. 876, 866 P.2d 1272 (1994); See also *Rules of Appellate Procedure*, Rule 1.2(a)].

The claims asserted herein align with evidence spoken into the record of the trial court, but was not elaborated on, nor physically introduced for court review and analysis. (Please see court transcripts incorporated herewith marked Exhibit E).

For this appeal, petitioner defendant has provided attached records, documentary and tangible evidence that was either, (1) missing from the court record - not provided; or (2) not elaborated on that is materially relevant to this case for appellate review. [RAP 10.4(c)].

The missing pieces of evidence, *supra*, now attached and incorporated herewith, provide critical, elemental, left-out pieces of discovery, which show a colorable, fact specific basis that would support a different outcome at the motion hearing stage of the trial commenced on January 26, 2013 in front of the Honorable Anne M. Gruser. Petitioner Defendant's goal is to shed light on this issue by providing the material record evidence via personal restraint petition. [RAP 10.4(c)(2)(3)(5)].

Since the issue is, regarding this motion, direct appeals will be heard pertaining only to matters on record of the trial court, "A personal restraint petition is the appropriate procedure to raise a claim ... on appeal based on matters outside the record." In re Det. of Broten, 130 Wn. App. 326, 122 P.3d 942 (Nov. 15, 2005); "... if material facts existed that have not been previously heard and those facts required vacation, then defendant's recourse was to bring a supported personal restraint petition for purposes of RAP 10.4." State v. Edwards, 157 Wn. App. 517, 237 P.3d 368 (2010).



Wherefore, petitioner Defendant maintains that the trial court needed "more" to rightly deduce and conclude based on all the evidence materially relevant to this case. Quite simply, the court's decision was made on a lack of knowledge of the information and evidence, and so petitioner Defendant provides the missing elements not fully introduced into the trial court record, as herewith attached and incorporated.

For this reason alone, a personal restraint petition is the only way petitioner Defendant's claim(s) herein can be consolidated with the direct appeal filed in this case.

This argument for consolidation harmonizes with RAP 10.1 (g) & (h) ("(g) Brief in consolidated cases..." and "(h) Other briefs"); the rules and authorities cited hereinabove; and these cases, to wit: "Defendant's alleged errors were unreviewable under RAP 10.10 because some assignments of error were repetitive of counsel's briefing and others largely relied on facts or evidence outside the record;" State v. Calvin, 176 Wn. App. 1, 302 P.3d 509 (2013); and Turner v. Wener, 404 U.S. 579 (1972); and In re Pers. Restraint of Higgins, 152 Wn.2d 155, 160 at Analysis pp's 1 & 2 (July 22, 2004).

Supra, for all foregoing reasons, this court should find it appropriate to grant the consolidation of this personal restraint petition, in lieu of a Pro Se Supplemental Brief of Additional Grounds, to his direct appeal No. 51630-6-II, filed in this court.

IV. GROUNDS

1. Petitioner Defendant's Sixth Amendment Right of the US Constitution to effective representation was violated by the poor performance of attorney Joshua Baldwin.
2. Petitioner Defendant's Fourteenth Amendment Right of the US Constitution to have unfettered due process of law was

violated by trial court Judge Cruser's arbitrary & capricious actions and erroneous findings throughout the trial proceedings.

IV. ARGUMENT

A. COMPARABILITY ANALYSIS.

Petitioner Defendant asserts that the trial court erred when comparability was raised but not commenced through with an analysis.

Moreover, petitioner Defendant's counsel's performance in this area of claim was not specific when he failed to introduce Washington state law and Oregon state law into the criminal court proceedings regarding comparability. This caused a cumulative effect of errors throughout the trial proceedings violating the standards given in Strickland v. Washington, 466 U.S. 668, 687-88, 104 S.Ct. 2052, 80 L.Ed. 2d 1984 (1984) and State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1257 (1995) and the provision(s) of the right to effective representation within the Sixth Amendment to the Constitution of the U.S..

For these reasons petitioner defendant provides fact specific argument supported by tangible and record evidence attached and incorporated herewith, to persuade this Honorable Court to evaluate this issue for comparability analysis.

Petitioner defendant urges this court to run comparability, because there two clauses in RCW 9A.44.128(10)(h) that require a person convicted of an out-of-state sex crime who lives in this state to register as a sex offender if,

(1) the state of origin has an original existing registration requirement on the person convicted of an out-of-state sex crime; and

(2) the out-of-state sex crime qualifies as a sex offense in this state;

of which both prongs of the statute are being challenged in this case.

First off, petitioner defendant has a prior

ruling out of the same court that his Oregon sex offense for rape in the third degree - a conviction obtained in year 1990 - doesn't compare to a sex offense in Washington State. This ruling was made in accord with former RCW 9A.44.130(10)(b) - the old statute for classification of out-of-state sex offenses - State v. Howe, 157 Wn. App. 338 (2009), to wit: "Headnotes at pp. 3. A person does not have a duty to register as a sex offender under 9A.44.130(1)(a) unless the person has been convicted of a qualifying sex offense"; and State v. Werneth, 147 Wn. App. 549 (2008). [See Motion in Limine, marked Exhibit A, attached hereto and incorporated herewith].

An offset decision in the prior case (see Motion in Limine, Exhibit A) gave petitioner Defendant notice in this state since 2013, i.e. Notice to register, because of the change in Washington State law now codified in RCW 9A.44.128(10)(b). However the court at that time failed to examine and educate themselves fully with the legal efficacy

and parameters of the Oregon State statutes governing sex offender registration requirements and convicted petitioner defendant of failure to register as a sex offender because of the law change, *ibid*. This issue is argued in part B of this argument, because it's the same issue in both cases, but specifically argued for the current cause no. herein in Direct appeal.

Now heretofore I present to you argument for a comparability analysis run.

Petitioner defendant's Oregon crime is a rape in the third degree conviction adjudged in Clackamas County Circuit Court in 1990. [See attached Oregon T & S, Exhibit A].

Oregon Revised Statute 163.355 reads:

"Rape in the third degree.

(1) A person commits the crime of rape in the third degree if the person has sexual intercourse with another person under 16 years of age.

(2) Rape in the third degree is a Class C felony.

The proposed Washington State counterpart reads as follows:

"9A.44.079 Rape of a child in the third degree. (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

(2) Rape of a child in the third degree is a class C felony. [1988 c. 145 § 4]."

The two missing elements not found in the Oregon statute are (1) the victim is "not married to the perpetrator" and (2) "the perpetrator is at least forty-eight months older than the victim." Thus, the Oregon statute is broader and the crimes are not legally comparable.

This is a summary of the legal comparability

prong that the Cowlitz County, WA, superior court ruled on.

Second test is the factual comparability prong. This test reveals that the entry of information in the Oregon Circuit Court "Petition to Enter Plea of Guilty", form, Oregon Case No. 90-262, (attached hereto as part of Exhibit A), which was entered as a factual basis for the guilty plea, ~~does not~~ ^(BR) provide "... the record of defendant's commission of the Oregon offense did not show that the requirements for committing the Washington offense could be satisfied." State v. Arndt, 179 Wn. App. 373, 320 P.3d 104, 2014 Wash. App. LEXIS 294 (Wash. Ct. App. 2014).

Supra, Arndt's case and petitioner defendant's case are identical in the comparability aspect. Only difference is, Arndt's issue of comparability was run for offender score reasons - his Oregon offense of rape 3rd being used in his Washington State criminal history - and petitioner defendant's issue

extended to an in-state registration requirement challenge, being based on an alleged registration requirement in Oregon State that was allegedly triggered by the Oregon sex offense itself.

Arndt was convicted of rape in the third degree in Oregon State. Same as petitioner Defendant.

The Court of Appeals in this state ruled that his prior conviction of rape 3rd was improperly included in his offender score because the Oregon offense was not legally ~~or~~ or factually comparable based on the two missing elements described at page 18, 2nd pp., *supra*.

It appears that Judge Cruser was biased in the court proceedings when she skimmed over the issue of comparability when it is so very vital in determining the second prong of RCW 9A.44.128 (1)(b).

RCW 9A.44.128(10)(h) - Definition of a sex offense is as follows:

"(10) Sex offense means:

"(h) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the State of Washington; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection." [Effect of Amendment July 22, 2011]

Clearly, there has to be an original existing registration requirement from the State of origin in order for it to be honored here. For it to be honored, it has to be proven to exist from the State of origin as applied from Oregon Revised Statutes giving directive to the Oregon court to order registration at the time of sentencing of the original sex crime. If the Oregon court did not order registration as part of the conviction and sentence, any registration requirement

stemming from the conviction would be invalid.
(The out-of-state registration requirement issue is challenged in part B of the argument).

If you refer to pages 7, 8, 9, 10 & 11 of the court transcripts marked Exhibit E and attached hereto, you'll see that the comparability issue was raised but summarized. Judge Craver backed out of the analysis when she commented on lack of merit in the comparability claim raised by attorney Joshua Baldwin, based on his failure to support his claim with authority. However, in light of this fact, the judge neglected to go forth on her own initiative to analyze the foreign convictions' comparability for an in-state registration requirement. [Ineffective assistance of counsel, violative of Amendment 6th of the US Constitution (ibid.), and deprivation of due process of law, violative of the 14th Amendment to the US Constitution].

Once comparability is raised it has to be commenced in the court proceedings, especially based on good cause. This court is familiar

with this standard as cited in:

(1) *State v. Beals*, 190 Wn. App. 189, 997 P.2d 941, 2000 Wash. App. LEXIS 387 (Wn. Ct. App. 2000);

(2) *State v. Ford*, 137 Wn.2d 472, 973 P.2d 452, 1999 Wash. LEXIS 131 (Wash. 1999); and

(3) *State v. Arndt*, 179 Wn. App. 373, 320 P.3d 104, 2014 Wash. App. LEXIS 274 (Wn. Ct. App. 2014).

Where attorney Joshua Baldwin failed and for other reasons identified throughout herein, petitioner Defendant provides the missing links and elements deprived from the court record, hereto attached and

incorporated as tangible record evidence and persuasive argument to support the claim of non-comparability of petitioner Defendant's Oregon offense of Rape 3rd to its proposed Washington counterpart crime(s).

NOTE: The Clallam County Superior Court in prior cause no. 16-1-01566-0, found petitioner

[illegible]

Defendant's Oregon sex offense was not comparable to any Washington State sex offense by using the three step formula indoctrinated in State v. Russell, 104 Wash. App. 422 (2001). Whereas, petitioner Defendant invites you - this court - to do the same.

NOTE: The Oregon and Washington State statutes used for comparison purposes were the statutes in effect at the time petitioner Defendant was convicted of the Oregon sex offense in 1990.

B. OREGON STATE REGISTRATION REQUIREMENT

Considering evidence provided attached hereto, petitioner Defendant will show this court that there has to be a valid registration requirement that originated in the state-of-conviction that is current in order for it to have legal efficacy in this state.

Tangible evidence attached and incorporated herewith (see transcripts marked Exhibit E and Oregon State Statutes Exhibits B incorporated herewith), shows Honorable Anne Cramer's arbitrary and capricious nature throughout the trial proceedings. This nature described, as evidence provides, was predicated on a lack of necessary knowledge and evidence, that if it was provided and properly argued would have produced different results in the trial proceedings. These actions denied petitioner Defendant due process of law guaranteed under the 14th Amendment to the US Constitution.

In referring to the second clause of RCW 9A.44.128(10)(h) (supra at page 21) is the directive stating: "... or, if not required to register in the state of conviction ...", validates that there has to be a verified valid original existing registration requirement from the state of Oregon in order to activate the first clause of the Washington statute (ibid.).

Therefore, this court must look to the Oregon Revised Statutes (see Exhibits B); the

Judgments and Sentences from Oregon State (See Exhibits D); and Washington State Registration records (Exhibits C), and contrast the Oregon law(s) and the Oregon State Judgments and Orders as points of authority and the Washington State registration records, in contrast to that clause of RCW 9A.44.128(10)(b).

This is an "as applied challenge", in accord with City of Redmond v. Moore, 151 Wn. 2d 664, 91 P.3d 875 (2003).

For an as applied challenge to the constitutionality of the application of RCW 9A.44.128(10)(b), upon petitioner Defendant's allegation thereof, it is the state's burden to prove petitioner Defendant knowingly acted against the provisions of both clauses of the statute. This must be done in connection with proving all elements of the crime charged and petitioner Defendant's knowledge of all elements of the crime charged under such statutes and statutes enforcing sex offender registration in Washington State.

Failure to register must be knowing. Certain

elements of the crime charged were not introduced into the court record rendering the charging document fatally deficient. The missing element is (1) the Washington States' criminal court's finding of the Oregon Revised Statutes' 163A.050, validity in ordering a convicted sex offender to register at time of sentencing of the original conviction, and then applying that finding to the first clause of RCW 9A.44.128(10)(b). If found, it would then theoretically activate that clause enforcing sex offender registration on the Washington State resident that has an out-of-state predicate sex offense. [For failure to register must be knowing argument, see point of authority, Exhibit B, Motion in Limine, page 7, citing State v. Peterson, 145 Wash. App. 672, 186 P.3d 1179 (2008), incorporated herewith].

Oregon Revised Statute 163A.050 requires notice of registration needs to be made at sentencing by the court and not at a later time. [See Exhibit B, attached and incorporated hereto].

Judge Cruser acknowledged that the State of

Washington "honors" another states' registration requirement on the state of origin sex offense if there is a requirement in the state of conviction.

However, opposing to the court's statement, the court did not address what factors determine an "original" and "existing" registration requirement in Oregon state through close examination of the laws and Oregon documents/records attached and incorporated hereto, to rightly deduce if the order of the Oregon Court was "ever" given ordering petitioner Defendant to register as part of his "conviction" and "sentence." [See transcripts, Exhibit E, page 10].

Moreover, the court's attention to an alleged registration requirement stemming from Oregon came by way of a Notice of probation conditions called by Oregon probation services in the year 2000 that was terminated in the year 2002, but no mention of the order of the Oregon Court terminating the probation attached to the predicate sex offense was made in the trial court proceedings. Thus, this state is just

assuming there's a registration requirement stemming from Oregon when no such requirement exists. (More on the registration requirement as a condition of probation being terminated in 2002 given, *in fra*).

Petitioner Defendant Deserves a fair and impartial analysis on pertaining to the registration requirement issue at hand, since this is an out-of-state conviction and no true analysis was commenced in the trial proceedings.

The issue is whether or not petitioner Defendant has an original existing registration requirement that is valid out of Oregon state, that Washington State can honor here.

The Oregon Revised Statute in effect at the time when petitioner Defendant was directed to register as a condition of probation by his probation officer at the time on 7-17-2000, is codified at ORS 181.603 [See Exhibits B], now recodified at ORS 163A.050 [see Exhibits B]. Both statutes give the directive that the order of

The court needs to be made at the time of sentencing for an Oregon State registration requirement to commence under ORS 163A.050 (statute governing registration for Federal sex convictions in Oregon State or out-of-state Federal sex convictions) and ORS 163A.015 (statute governing registration on in-state non-Federal sex offense convictions).

Without the order of the court in Oregon under ORS 163A.050; ORS's §§ 163A.010, 163A.015, do not have an effect on the person convicted of a sex offense in Oregon. [See attached and incorporated ORS's, Exhibits B]. [THIS IS TRUE WITH CLASS C SEX OFFENSES].

The judgment of conviction and sentence in Oregon State, made in 1990, did not include the order to register as a sex offender. If such order were given, the box in point of authority no. 9 in the 1990 Oregon T&S would have been checked and the sex offender Package directing petitioner defendant to register would have been attached with the Oregon T&S. No such order was given, clearly. [See Exhibits D attached and incorporated hereto].

Also, by examining the 1990 Oregon Judgment of Conviction and Sentence in comparison to the Oregon Judgments and Orders on Probation Violations, the court should rightly deduce that the order of the court directing notifying the convicted sex offender to report for registration has to be made at the time of sentencing following the conviction hearing, and cannot be made at another time.

Nowhere on the Probation Violation Judgments and Orders from Oregon State is there any place for a Judges order for sex offender reporting for registration.

It would be absolutely disingenuous of the Oregon court to order someone convicted of a sex crime in Oregon state at a probation violation hearing and sentencing. To do so would be contrary to Oregon Revised Statutes 181.603 and 163A.050 - Statutes mandating "NOTICE IS TO BE GIVEN AT SENTENCING" upon conviction of a sex offense; thus rendering any such

notice, if made, ineffective because it would be made in excess of the court's jurisdiction, i.e. done outside the scope of ORS 181.603 & 163A.050. Primarily that is why you do not see any such notice or order given in any one of the Oregon Judgments and Sentences. The order was never made. [See Exhibits D attached hereto].

Washington state is relying on an alleged notice from Oregon state to enforce Washington state registration law on petitioner defendant titled "Addendum to Judgment - Special Probation Conditions - Sex Offender Package" [see Exhibits D] that is dated 07/17/2000. This document is not verified or valid, because it lacks:

(1) Where the notice is actually coming from, but indicates it came from Oregon probation services;

(2) Any official seal; and

(3) Names, signatures, official remarks and dates thereto.

The court should deduce that the dates of the Oregon Probation Violation Judgment and Order dated and signed by Judge Patrick Milroy on July 3, 2000 and the Oregon Probation Conditions Addendum dated 07/17/2000 - two weeks after the probation violation JES - have absolutely no connection. If they did, the order for the sex offender package would have been given by the judge ^{CRJ} ~~CRJ~~ written in the Probation Violation Judgment and Order. Again, it was only a probation violation hearing, not a sentencing on a new sex conviction, therefore, he couldn't give any such order.

Also, it should be noted that the special probation conditions amended by Oregon probation services; notably the probation condition to register as a sex offender, was given ten (10) years after petitioner defendant's sentencing in 1990 on the predicate sex offense. Reason being is, because it was an assumed responsibility of ~~my~~ petitioner defendant's Oregon probation officer at the time to enforce temporary registration as special probation conditions. The

justification of this follows from a previous registration record stemming out of Washington State. [NOTE: Petitioner Defendant's first year of sex offender registration was in the year 2000].

In 1996 petitioner defendant was sentenced to 66 months in prison for an unlawful possession of a firearm first degree, Kitsap County, WA, case no. 96-1-00918-9. During that time petitioner defendant was incarcerated in Washington State Penitentiary and was slated for release on June 13, 2000.

Two weeks prior to that release date, on May 30, 2000 petitioner defendant received notice to register from Department of Corrections, Washington. This was the first time petitioner defendant was ever notified of an alleged duty to register. [See Exhibits C]. ~~[NOTE:~~

Also on 5/30/2000 petitioner defendant received notice of detainer on the 2000 probation violation out of Oregon State, Clatsop County relating to the predicate sex offense. [See Exhibits C].

[NOTE: This is ten (10) years after my conviction out of Oregon on the predicate sex offense. why didn't Oregon register me before then... accident?].

[NOTE: The Oregon conviction is a 1990 conviction].

Day of release from Washington State Penitentiary (6-13-2000) petitioner defendant was placed into the custody of Clackamas County, Oregon via extradition by Washington State authorities.

En route to Oregon the extradition chain layed-over in Benton County Jail, Washington State.

The day after, on 6-14-2000 (June 14, 2000), Benton County, Washington State Sheriff's made petitioner defendant register as a sex offender per Notice from Washington State Department of Corrections. [See registration records from Benton County Sheriff's taken on 6-14-2000 registering petitioner defendant; Exhibits C attached hereto and incorporated].

These records provide proof that Washington State was the first state to register petitioner defendant as a sex offender, and that record and requirement carried over into Oregon state

with petitioner defendant when he got extradited to Oregon State on the detainer. Thereafter, Oregon state probation services made petitioner defendant register based on the Washington State registration records in the year 2000, which as evidence provides, took place one month before Oregon State enforced registration on petitioner defendant.

The Oregon State registration requirement only existed temporarily as a condition of probation that was definitely ^(or) erroneous of Oregon State Community Corrections to initiate, because Oregon State was following up on the Washington State created registration requirement. That probation condition terminated on November 6, 2002. [See Probation Violation Judgment and Order, dated Nov. 6, 2002 Marked Exhibit D]

Supra, in light of all the above it seems readily discernable, based on the facts and supporting argument that the registration requirement in Washington State is Washington State born and not stemming from the State of origin. There is no original existing duty to register as a sex offender legally placed on petitioner defendant, and the enforcement

thereof needs to cease and desist.

In further closing, petitioner defendant would like to add that petitioner defendant was a resident of Oregon State in the early 90's, as well as in the State of Washington throughout the 1990's, and there is absolutely no registration records throughout the decade of the 1990's in either state, because it was never ordered from Oregon.

If Oregon State required me to register as a sex offender, that requirement would have been made at the time of my conviction in 1990, not ten (10) years after my conviction.

Washington State registered me first because I am a sex offender with a sex offense from Oregon State despite the comparability laws or out-of-state registration requirements. That was in the year 2000. This state started the "paper-problem" of sex offender registration on petitioner defendant. This State "originated" the alleged requirement and it followed me into Oregon a decade after my original conviction date when I was extradited over into Oregon in the year 2000.

It seems apparent that Washington State is denying their fault in anyway possible, nonetheless the evil has to stop.

PRP CONS. ARG -37-

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): [PLEASE SEE ATTACHED ARGUMENT SECTION

OF THIS PRP - SECTION V].

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) [PLEASE SEE ATTACHED

RECORD, DOCUMENTARY AND OTHER TANGIBLE EVIDENCE MARKED
EXHIBITS A, B, C, D AND E].

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known".

[PLEASE SEE TABLE OF AUTHORITIES PORTION OF THIS
PRP FOR PAGE NUMBERS OF CASE CITINGS & THROUGHOUT
THE ARGUMENT SECTION HEREIN].

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") [PLEASE SEE GROUNDS AT SECTION

IV OF THIS PRP].

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: [PLEASE MOTION FOR CONSOLIDATION OF APPEALS PORTION

OF THIS PRP AT SECTION III].

VI.
X. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do X do not _____ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ 0 in my prison or institution account.

3. I do ☐ do not ☒ ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer. [I HAVE DAVID B. KETCH, ATTORNEY AT LAW ON DIRECT APPEAL IN WHICH THE PRP IS MOTIONED FOR JOINER THEREIN]

4. I am ☐ am not ☒ employed. My salary or wages amount to \$ 0 a month. My employer is N/A
Name and address of employer

5. During the past 12 months I did ☐ did not ☒ get any money from a business, profession or other form of self-employment. (If I did, it was _____
Type of self-employment

And the total income I received was \$ _____.

6. During the past 12 months I:

Did ☐ Did Not ☒ Receive any rent payments. If so, the total I received was \$ _____

Did ☐ Did Not ☒ Receive any interest. If so, the total I received was \$ _____

Did ☐ Did Not ☒ Receive any dividends. If so, the total I received was \$ _____

Did ☐ Did Not ☒ Receive any other money. If so the total I received was \$ _____

Do ☐ Do Not ☒ Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ 0

Do ☐ Do Not ☒ Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____

Do ☐ Do Not ☒ Own stocks, bonds or notes. If so, their total value is: \$ _____

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
<u>Not Applicable</u>	

8. I am ☐ am not ☒ married. If I am married, my wife or husband's name and address is:

9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age
<u>Myself:</u>		
<u>Bradley L. Reynolds #947739</u>		
<u>Washington State Department of Corrections</u>		

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
<u>Lititz County Court, Port Orchard, WA.</u>	<u>\$12,000.00 +</u>
<u>Lewis County Court, Chehalis, WA.</u>	<u>\$ 3,000.00</u>
<u>Cowlitz County Court, Longview, WA.</u>	<u>\$ 1,500.00</u>

VII.

☒ REQUEST FOR RELIEF:

I want this court to:

☐ Vacate my conviction and give me a new trial

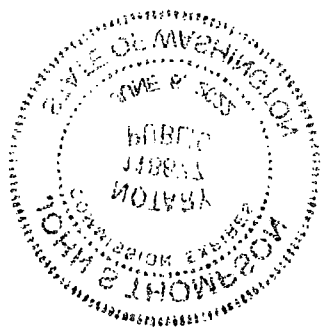
☐ Vacate my conviction and dismiss the criminal charges against me without a new trial

☒ Other: Vacate my conviction and sentence and remand
(Please Specify)
to the criminal court consistent with this court's
decision.

FURTHER, Petitioner Defendant says not.

PRP CONS. ARG. -40-

☒





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WASHINGTON STATE PATROL
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Olympia WA 98504-2631



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FB07

Mr. Bradley Reynolds, #947739
Stafford Ck Correction Center G-A C-15
191 Constantine Way
Aberdeen, WA 98520

FYA-SEF 98520





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Mr. Bradley Reynolds, #947739
Stafford Ck Correction Center G-A C-15
191 Constantine Way
Aberdeen WA 98520

EYA-S5F 98520



Exhibit A

- A. MOTION IN LIMINE in re
COWLITZ CO., WA. CAUSE NO.
16-1-01566-0, and Attachments: (4) pgs.;
- (i) OREGON CIRCUIT COURT
INDICTMENT NO. 90-262 (2) pgs.;
- (ii) PETITION TO ENTER PLEA OF GUILTY -
OREGON CIRCUIT COURT - NO. 90-262
(2) pages;
- (iii) JUDGMENT OF CONVICTION AND
SENTENCE - OREGON CIRCUIT COURT -
NO. 90-262; (2) pages;
- (iv) FORMER WASHINGTON STATE
STATUTES in re SEX OFFENSES /RCW
9A.44.079; (1) page
- (v) COWLITZ SUPERIOR COURT, WA., CLERK'S
MINUTES, in re CAUSE NO. 16-1-01566-0;
JUDGE STEPHEN WARREN'S RULINGS ON
COMPARABILITY in re MOTION IN LIMINE
(ibid.); (2) pages; and
- (vi) STIPULATION, FINDINGS OF FACT, AND
CONCLUSIONS OF LAW in re WA CAUSE NO.
16-1-01566-0; (4) pages. (Total = 23 pgs.)

SCCC Legal

EXHIBIT A

16

16-1-01566-0
MTL
Motion in Limine
1405070



FILED
SUPERIOR COURT

2017 JUN -1 2:40

COWLITZ COUNTY
STACI L. MYKLEBUST, CLERK

BY LM

Service Accepted this 1st day of June, 2017
By Ryan Jurvakainen, Attorney for Plaintiff, [Signature]

SUPERIOR COURT OF WASHINGTON
FOR COWLITZ COUNTY

STATE OF WASHINGTON,)

Plaintiff,)

vs)

BRADLEY LEWIS REYNOLDS,)

Defendant.)

NO. 16-1-01566-0

MOTION IN LIMINE/
MOTION TO DISMISS

MOTION

Comes now the defendant and challenges use of the judgments in Oregon 90-262, Kitsap County, WA 05-1-00754-9, 05-1-01343-3, 07-1-00479-1 and Jefferson County, WA 13-1-00050-0 to support allegations that there is a valid predicate offense supporting a conviction for failure to register as a sex offender in this cause on the basis that the initial predicate sex offense from Oregon is not comparable to any sex offense here in

MOTIONS IN LIMINE- Page 1 of 9

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LONGVIEW, WASHINGTON 98632
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FACSIMILE (360) 578-7431

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1 Washington, therefore, the prior pleas were unconstitutionally entered. This current cause
2
3 number should be dismissed.
4

5
6 **MEMORANDUM**
7

8 Mr. Reynolds now stands convicted four times in the state of Washington for failure
9
10 to register as a sex offender. All of the convictions rest on guilty pleas. The pleas were
11
12 deficient. The validity of the first plea taints the validity of the second plea. The validity of
13
14 the second plea, taints the validity of the third plea. The validity of the third plea taints the
15
16 validity of the fourth plea and the fourth plea, as well as the incomparable Oregon offense
17
18 taints the validity of the current charge.
19
20

21 **1) A crime requiring proof of a prior conviction cannot rely on an**
22
23 **unconstitutional conviction.**
24
25

26 When a defendant is charged with a crime that requires a prior conviction to prove
27
28 the offense, the prior conviction must be constitutional. If a conviction is illegal, it may not
29
30 be considered as a conviction for the purpose of obtaining a new conviction under a
31
32 criminal statute, an element of which requires the existence of a prior, valid offense. *State*
33
34 *v. Holsworth*, 93 Wn.2d 148 (1980); *State v. Herzog*, 112 Wn.2d 419, 771 P.2d 739 (1989).
35
36 *State v. Gore*, 101 Wn.2d 481, 486, 681 P.2d 227 (1984). The existence of a
37
38 constitutionally valid prior conviction is an essential element of the offense, one the State
39
40 must prove beyond a reasonable doubt. *State v. Swindell*, 93 Wn.2d 192, 196 97, 607
41
42 P.2d 852 (1980). A defendant may raise a defense to any charge requiring the existence of
43
44 a prior conviction by challenging the constitutional validity of the predicate conviction. *State*
45
46 *v. Holsworth*, 93 Wn.2d 148 (1980); *State v. Herzog*, 112 Wn.2d 419, 771 P.2d 739 (1989);
47
48
49
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51 MOTIONS IN LIMINE- Page 2 of 9
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1 State v. Gore, 101 Wn.2d 481, 486, 681 P.2d 227 (1984). State v. Summers, 120 Wn.2d
2
3 801, 812, 846 P.2d 490 (1993).
4

5 In State v. Summers, 120 Wn.2d 801, 812, 846 P.2d 490 (1993), the court reversed
6
7 a defendant's conviction for being a felon in possession of a firearm. The court did so in
8
9 response to the defendant's claim that an underlying conviction, used to support an
10
11 element of the crime charged, was unconstitutional. In doing so the court reiterated the
12
13 procedure for addressing such claims:
14
15

16
17 "A defendant may raise a defense to such a prosecution by alleging the
18
19 constitutional invalidity of a predicate conviction, and second, upon doing so, the
20
21 State must prove beyond a reasonable doubt that the predicate conviction is
22
23 constitutionally sound. In raising this defense, the defendant bears the initial burden
24
25 of offering a colorable, fact specific argument supporting the claim of constitutional
26
27 error in the prior conviction. Only after the defendant has made this initial showing
28
29 does the State's burden arise."
30
31

32 State v. Summers, 120 Wn.2d 801, 812, 846 P.2d 490 (1993).
33
34

35 **2. The constitutionality of a plea must be affirmatively demonstrated in the**
36
37 **record. A valid plea cannot be presumed from a silent record.**
38
39

40 Courts must "indulge in every reasonable presumption against waiver of
41
42 fundamental constitutional rights." State v. Murdoch, 91 Wn.2d 336, 588 P.2d 1143 (1979)
43
44 quoting, Johnson v. Zerbst, 304 U.S. 458, 464, 82 L.Ed. 1461, 58 S.Ct.1019 (1938). In
45
46 Boykin v. Alabama, 395 U.S. 238, 23 L. Ed. 2d 274, 89 S. Ct. 1709 (1969) the Supreme
47
48 Court held that the waiver of constitutional rights pursuant to entry of a guilty plea cannot
49
50 MOTIONS IN LIMINE- Page 3 of 9
51

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53
54
T2

1 be presumed by a silent record. Three years prior to Boykin, the Washington Supreme
2
3 Court held:
4

5 To be voluntary, a plea of guilty must be freely, unequivocally, intelligently
6
7 and understandingly made in open court by the accused person with full knowledge
8
9 of his legal and constitutional rights and of the consequences of his act. . . .
10
11

12 Before accepting a plea of guilty from an accused person, it is the duty and
13
14 responsibility of the trial judge to satisfy himself that the plea is in fact voluntary, and
15
16 to ascertain that the accused person fully appreciates and understands the
17
18 consequences of his plea. This should be done whether the accused is represented
19
20 by counsel or not, and the trial judge's inquiries together with the accused person's
21
22 responses should be made a matter of record so that doubt may not later be cast
23
24 upon the propriety of the proceedings. Though a failure on the part of the trial judge
25
26 to fully determine the voluntariness of a plea does not necessarily constitute a
27
28 deprivation of due process of law, such a failure readily lends itself to such a claim.
29
30
31

32
33 *In re Woods v Rhay*, 68 WN 2d 601 (1966).
34

35 The necessity for the record to contain a factual basis for a guilty plea is as much a
36
37 constitutional requirement as it is mandated by the applicable guilty plea rule. See *In re*
38
39 *Keene*, 95 Wash.2d 203, 205, 622 P.2d 360 (1980). As the court said in *Keene*, quoting
40
41 from *McCarthy v. United States*, 394 U.S. 459, 466, 89 S.Ct. 1166, 1170, 22 L.Ed.2d 418
42
43 (1969), a guilty plea cannot be truly voluntary "unless the defendant possesses an
44
45 understanding of the law in relation to the facts." *In re Keene*, supra 95 Wash.2d at 209,
46
47 622 P.2d 360. While at one time the necessary factual basis for the plea could be
48
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50

51 MOTIONS IN LIMINE- Page 4 of 9
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1 furnished from any reliable source entirely apart from the defendant's admissions, it is now
2
3 clear that the facts must be developed on the record at the time the plea is taken and may
4
5 not be deferred until sentencing. See *In re Keene*, supra 95 Wash.2d at 210, 462 P.2d
6
7 360. Furthermore, the factual basis requirement is not satisfied unless there is sufficient
8
9 evidence for a jury to conclude the defendant is guilty even though the court need not be
10
11 convinced of the defendant's guilt beyond a reasonable doubt. *State v. Durham*, 16
12
13 Wash.App. 648, 653, 559 P.2d 567 (1977).
14
15

16
17 If the State relies on prior pleas of guilty to failure to register as a sex offender
18
19 where the defendant's duty to register that arose from an Oregon offense, the records of
20
21 those pleas must demonstrate that the defendant was advised of all of the elements of the
22
23 crimes charged that support the convictions. A critical element in those cases was that
24
25 the crime was comparable to a Washington sex offense.
26
27

28
29 **3. A plea is not voluntary if it entered without an accurate understanding of**
30
31 **how the law relates to the facts.**
32

33 Justice Douglas stated that criminal defendants who plea guilty demand "the utmost
34
35 solicitude of which courts are capable in canvassing the matter with the accused to make
36
37 sure he has a full understanding of what the plea connotes and of its consequences."
38
39 *Boykin v. Alabama*, 395 U.S. 238, 243-244 (1969). Failure to require a sufficient factual
40
41 basis to support a conviction may result in the plea being found involuntary. *In re Bryan*,
42
43 24 Wn. App. 426, 601 P.2d 969 (1979) (plea found invalid where written plea statement did
44
45 not set out factual basis for plea.). Even where the written plea statement itself sets forth
46
47 the underlying facts, the trial judge must still make his own inquiry. *In re Lundeen*, 20 Wn.
48
49

(24)

1 App. 68, 578 P.2d 552 (1978). Where the defendant's statements describing their conduct
2
3 amount to mere conclusions of law, a sufficient factual basis has not been established. *In*
4
5 *re Taylor*, 31 Wn. App. 254, 640 P.2d 737 (1982). The factual basis for the charge must be
6
7 established on the date when the plea is taken. It is not sufficient that it be established
8
9 after the fact at the time of sentencing. *In re Bryan*, 24 Wn. App. 426, 601 P.2d 969 (1979).
10
11 The establishment of a factual basis for the plea is constitutionally significant as it relates
12
13 to the understanding of the plea. *In re Hews*, 108 Wn.2d 579, 589, 741 P.2d 983 (1987).
14
15 As the court said in *In re Keene*, 95 Wn.2d 203, 205, 622 P.2d 360 (1980), quoting from
16
17 *McCarthy v. United States*, 394 U.S. 459, 466, 22 L. Ed. 2d 418, 89 S. Ct. 1166 (1969),
18
19 "because a guilty plea is an admission of all the elements of a formal criminal charge, it
20
21 cannot be truly voluntary unless the defendant possesses an understanding of the law in
22
23 relation to the facts." *McCarthy v. United States*, 394 U.S. 459, 466, 22 L. Ed. 2d 418, 89
24
25 S. Ct. 1166 (1969).
26
27
28
29

30
31 To satisfy due process requirements the State must prove each element of the
32
33 crime charged beyond a reasonable doubt... *Jackson v. Virginia*, 443 U.S. 307, 316, 61
34
35 L.Ed.2d 560, 99 S.Ct. 2781 (1979); *In re Winship*, 397 U.S. 358, 25 L.Ed.2d 368, 90 S.Ct.
36
37 1068 (1970); *State v. Baeza*, 100 Wn.2d 487 (1983).
38
39

40 **4. All of Mr. Reynold's pleas of guilty to failure to register were**
41
42 **constitutionally defective.**
43

44 Mr. Reynolds has been convicted of failure to register as a sex offender four times.
45
46 The existence of a comparable sex offense is an element of failure to register when the
47
48 state relies on an out of state sex offense to prove a duty to register as a sex offender.
49
50

51 MOTIONS IN LIMINE- Page 6 of 9

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52
53
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15

1 *State v. Howe*, 151 Wn. App 338 (2009); *State v. Werneth*, 147 Wn. App. 549 (2008).

2
3 Under RCW 9A.44.130(1)(a), any person convicted of a sex offense must register with the
4
5 sheriff of the county in which he resides. The definition of "sex offense" includes, "Any
6
7 federal or out of state conviction for an offense that under the laws of this state would be
8
9 classified as a sex offense under this subsection." RCW 9A.44.130(10)(h). Failure to
10
11 register must be knowing. (Indictment charging defendant with failure to register as sex
12
13 offender was fatally deficient, in that it did not allege that defendant "knowingly" failed to
14
15 register. *State v. Peterson* (2008) 145 Wash. App. 672, 186 P.3d 1179, review granted
16
17 165 Wash.2d 1027, 203 P.3d 379, affirmed 168 Wash.2d 763, 230 P.3d 588.)
18
19

20
21 Currently, the state has alleged that Mr. Reynolds' duty to register arose from an
22
23 Oregon conviction for Rape in the third degree in 1990. Therefore, for there to be a factual
24
25 basis for the crime, the state must prove the Oregon conviction is comparable to a
26
27 Washington sex offense. *State v Howe* 151 W. App. 338. There is no way they have the
28
29 ability to do so. In fact, the Judgement in the 1990 Oregon offense does not have the box
30
31 checked for the "the sex offender package" to be attached and incorporated. Mr. Reynolds
32
33 was never provided the notice of a registration requirement for this Oregon offense.
34
35

36
37 In each county where he was charged with failure to register as a sex offender, Mr.
38
39 Reynolds simply entered pleas of guilty. He was never advised by counsel that the
40
41 Oregon offense was not comparable to any sex offense in Washington.
42
43

44
45 Given that an element of the charge is that out of state convictions need be
46
47 comparable to a Washington Sex offense before the obligation to register arises, one
48
49

1 would expect an attorney who had advised Mr. Reynolds about a plea to have investigated
2
3 whether Mr. Reynolds had an original, existing duty to register in this state.
4

5
6 Mr. Reynolds is in a very similar situation to the defendant in the *Werneth* case. In
7
8 1990 Mr. Reynolds was charged in Oregon with Rape in the third degree. The Indictment
9
10 specifically charged, "The said defendant on or between March 25, 1989 and March 26,
11
12 1989, in the County of Clackamas, State of Oregon, then and there being, did then and
13
14 there unlawfully and knowingly engage in sexual intercourse with Candy M. Carter, a
15
16 female under the age of fourteen years, said act of defendant being contrary to the
17
18 statutes in such cases made and provided, and against the peace and dignity of the State
19
20 of Oregon." In the plea forms entered on September 28, 1990, the language entered in the
21
22 space for a factual basis for the plea, simply states, "March 25, 1989, sexual intercourse
23
24 with Candy M. Carter, whom I later learned was under 16 years of age." The issue is,
25
26 whether the Oregon conviction for Rape in the third degree is a felony sex offense under
27
28 the former RCW 9A.44.130. "The purpose of this analysis is to ensure that the out of state
29
30 court found each element of the Washington counterpart crime, just as a Washington court
31
32 would have if the defendant had been prosecuted here." *State v. Russell*, 104 Wash. App.
33
34 422(2001) In 1990 Washington did not have a sex offense charge comparable to what Mr.
35
36 Reynolds pled to in Oregon. In his plea form, Mr. Reynolds admits to sexual intercourse
37
38 with Ms. Carter who was under the age of 16. The Oregon statute criminalizing what
39
40 Washington may consider rape of a child or child molestation, did not include two essential
41
42 elements required by Washington in their Rape of a child in the third degree statute at the
43
44 time, RCW 9A.44.079, and Child molestation in the third degree, RCW 9A.44.089. The
45
46
47
48
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51 MOTIONS IN LIMINE- Page 8 of 9


COWLITZ COUNTY OFFICE OF PUBLIC DEFENSE
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1 two missing essential elements missing from the Oregon statute charged, are, "the victim
2
3 is not married to the perpetrator" and "the perpetrator is at least 48 months older than the
4
5 victim. It is clear, the Oregon court did not find each essential fact necessary to establish a
6
7 Washington sex offense as a basis for a registration requirement and a charge of failure to
8
9 register.
10
11
12
13
14

15 CONCLUSION

16
17 State should not be able to rely on four prior convictions for failure to register which
18
19 were based on invalid pleas of guilty and an initial sex offense from Oregon that is not
20
21 comparable to a sex offense in Washington. Defense requests the current cause number
22
23 be dismissed.
24

25
26 Dated: 6-6-17
27

28
29 
30
31
32
33 Simmie Baer/ WSBA #14179
34 Cowlitz County Office of Public Defense
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STATE OF OREGON
COUNTY COURT

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR CLACKAMAS COUNTY

FILED CS
3/26/90

THE STATE OF OREGON,
Plaintiff,
vs.
BRADLEY LEWIS REYNOLDS,
Defendant.

INDICTMENT
No. 90-262
ORS 163.365, 471.410,
471.410

The above-named defendant is accused by the Grand Jury of the County of Clackamas, State of Oregon, by this indictment of the crime of RAPE IN THE SECOND DEGREE, FURNISHING ALCOHOL TO A PERSON UNDER TWENTY-ONE YEARS OF AGE and FURNISHING ALCOHOL TO A PERSON UNDER TWENTY-ONE YEARS OF AGE committed as follows:

COUNT I

The said defendant on or between March 25, 1989 and March 26, 1989, in the County of Clackamas, State of Oregon, then and there being, did then and there unlawfully and knowingly engage in sexual intercourse with Candy M. Carter, a female under the age of fourteen years, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

COUNT II

And as part of the same act and transaction, the said defendant, on or between March 25, 1989 and March 26, 1989, in the County of Clackamas, State of Oregon, then and there being, did then and there unlawfully and knowingly give and make available alcoholic liquor to a person under the age of 21 years, to-wit: to Candy M. Carter, the defendant not then being the parent or guardian of the said Candy M. Carter, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

19

COUNT III

And as part of the same act and transaction, the said defendant, on or between March 25, 1989 and March 26, 1989, in the County of Clackamas, State of Oregon, then and there being, did then and there unlawfully and knowingly give and make available alcoholic liquor to a person under the age of 21 years, to-wit: to Michelle Hatcher, the defendant not then being the parent or guardian of the said Michelle Hatcher, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Dated this 13th day of March, 1990.

A TRUE BILL

[Signature]
Foreman of the Grand Jury

JAMES W. O'LEARY
District Attorney

By: *[Signature]* Deputy

Witnesses examined before the
Grand Jury:

Gerald Gustaveson
Candy M. Carter
Sheila Boren
Michelle Hatcher

NOTICE: Where this accusatory instrument charges one or more misdemeanor crimes, the district attorney hereby declares that the state intends that said offense(s) proceed as a misdemeanor(s).

70

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR CLACKAMAS COUNTY

STATE OF OREGON
Plaintiff,

vs.

BRADLEY LEWIS REYNOLDS
Defendant

90-262
DOCKETED
PETITION TO ENTER PLEA OF GUILTY

The defendant represents to the Court:

1. My full true name is: BRADLEY LEWIS REYNOLDS
and I am also known as: N/A
and I request that all proceedings against me be had in my true name.
2. I am represented by a lawyer; his name is Wm. David Falls
3. I wish to plead GUILTY to the charge(s) of Rape in the Third Degree
(ORS 163.355)
4. I told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed on all such matters. My lawyer has counselled and advised me on the nature of each charge, on any and all lesser included charges; and on all possible defenses that I might have in this case.
5. I understand that I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right to see, hear and face in open court all witnesses called to testify against me, (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor, and (d) the right to have the assistance of a lawyer at all stages of the proceedings, and (e) also the right to take the witness stand at my sole option; and, if I do not take the witness stand, I understand the jury will be told that this may not be held against me.
6. I also understand that if I plead "GUILTY" the Court may impose the same punishment as if I had pled "Not Guilty", stood trial and been convicted.
7. I know that if I plead "GUILTY" to this charge (these charges), the maximum possible sentence is 5 years imprisonment and/or a fine of \$ 100,000.
I know also that the sentence is up to the Court. The District Attorney will take no part other than providing to the Court, Police Reports and other factual information as requested by the Court; and the District Attorney shall make no recommendations to the Courts concerning my sentence except as follows: suspended sentence; PSI - 5 years probation; District Attorney to reserve options pending completion of PSI.
8. I have ☒ have not ☐ been convicted of one or more felonies in the past, as follows:
Burglary II, Theft II, Unauthorized Use of Vehicle.
9. I am ☒ am not ☐ presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of years in that case. I further understand that if my parole or probation is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.
10. I also know that the law provides for an increase in the maximum sentence described in Paragraph 7 to a maximum of 30 years if I qualify as a dangerous offender. I understand that this may happen in this case ☐. If not applicable, check ☒.
11. I am 19 years of age. I have gone to school up to and including 8th grade.
At this time I am not under the influence of any drugs or intoxicants (nor was I at the time the crime was committed), except: We had consumed some amount of beer.

PETITION TO ENTER PLEA

CC# -CCT9

DISTRIBUTION

White	Original file copy
Yellow	DA copy
Pink	Defendant copy

12. I declare that no officer or agent of any branch of government (Federal, State or local) has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY", except: Dismissal of other charges.

13. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME; I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the Court.

14. I plead "GUILTY" and request the Court to accept my plea of "GUILTY" and to have entered my plea of "GUILTY" on the basis of March 25, 1989, sexual intercourse with Candy M. Carter, whom I later learned was under 16 years of age.

15. I OFFER MY PLEA OF "GUILTY" FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

16. I further state that I wish to waive the reading of the indictment or information in open Court. I request the Court to enter my plea of "GUILTY" as set forth in Paragraph 14.

17. This is to advise you if you are not a citizen of the United States, conviction of a crime may result in deportation, exclusion from admission to the U.S.A. or denial of naturalization.

Signed by me in the presence of my attorney this 28th day of September, 19 90.

Address

[Signature]
Defendant

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counsel for the above defendant hereby certifies:

1. I have read and fully explained to the defendant the allegations contained in the indictment in this case, all lesser included charges and all possible defenses the defendant may have in this case.

2. To the best of my knowledge and belief the statements, representations and declarations made by the defendant in the foregoing petition are in all respects accurate and true.

3. I have explained the maximum penalty for each count to the defendant, and consider him competent to understand the charges against him and the effect of his petition to enter a plea of guilty.

4. The plea of "GUILTY" offered by the defendant in paragraph 7 accords with my understanding of the facts he related to me and is consistent with my advice to the defendant.

5. In my opinion the plea of "GUILTY" as offered by the defendant in paragraph 7 of the petition is voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY".

6. Having discussed this matter carefully with the defendant, I am satisfied, and I hereby certify, in my opinion, that he is mentally and physically competent; there is no mental or physical condition which would affect his understanding of these proceedings; further, I state that I have no reason to believe that he is presently operating under the influence of drugs or intoxicants. (Any exceptions to this should be stated by counsel on the record.)

Signed by me in the presence of the defendant above named and after full discussion of the contents of this certificate with the defendant, this 28th day of September, 19 90.

[Signature]
Attorney for the Defendant

3cc
Dm
TC
Sp
Judge

IN THE JUDICIAL COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP

STATE OF OREGON

v.
Bradley Lewis Reynolds

Defendant

JUDGMENT ENTERED

CASE # 90-262
ENTERED 11-13
DECRETED

JUDGMENT OF CONVICTION AND SENTENCE

1. Hearing Date November 9, 1990 Reporter/Tape No. _____
2. District Attorney: S. Dennis Miller OSB# 70098
3. Defense Attorney: David Fall OSB# 84131
- ☐ Defendant is unrepresented and knowingly waived counsel.
4. Defendant is convicted of the following offenses:
- | Count | Offense | Plea | Verdict/Result |
|----------|--|---------------|----------------|
| <u>I</u> | <u>Receiv. 3</u>
<u>theater include</u> | <u>guilty</u> | <u>guilty</u> |

☐ Defendant waived 48 hours delay before sentencing. ☒ Advised of Appeal Rights.
☒ Defendant has the present and future ability to pay financial obligations herein.

Count I

5. Sentence:

- ☐ Addendum attached for other counts
☐ Concurrent with _____
☐ Consecutive to _____
☐ Imposition of sentence continued

6. Custody:

- ☒ 3 years Department of Corrections
☐ Execution suspended
☐ Executed immediately
☐ Defendant waived 48 hr. waiting period for transport
☒ 30 months minimum before release
☐ 30 months Gun minimum
☐ 3 years Dangerous Offender
☐ Fact findings on attached addendum

☒ 12 months jail

☐ Execution suspended

☐ Executed immediately

☐ As a condition of probation

☐ Beginning at _____ m. on _____, 19____

7. Fine: \$ _____ Suspended \$ _____ Due \$ _____

8. Assessments:

- ☒ Pay all statutory assessments (to be calculated by the Trial Court Administrator)
☐ DUI conviction fee ☐ DWS assessment
☒ Attorney fees \$ 500

9. Probation: 60 months; _____ court ☒ Corrections

☐ All general conditions

☐ Obey all laws and court orders

☐ Pay fines, fees, costs, assessments, restitution, as set forth in the money judgment section of this order

☐ _____ hours Community service within _____ months

☐ Includes attached and incorporated addendum:

- ☐ drug package
☐ alcohol package
☐ sex offender package

10. ☐ Discharge

11. ☒ Counts dismissed 2 & 3 Cases dismissed _____

12. ☐ Driving privileges suspended / revoked for _____ years

13. ☐ Other: _____

23

NEY JUDGMENT (Total all counts)

Judgment Creditor: State of Oregon

CASE # 90-262

Judgment Debtor: Bradley Lewis Reynolds

Name and address of persons to whom court disburses restitution or compensatory fines: (may be payee's designates).

1. <u>Gandy Mae Carter</u>	5. _____	9. _____
<u>1918 22 S. Jessie</u>	6. _____	10. _____
<u>Oregon City, OR 97045</u>	7. _____	11. _____
2. _____	8. _____	12. _____
3. _____		
4. _____		

Judgment Amount Detail (all counts)

	Imposed	Suspended	Due
Fine	\$ <u>50</u>	\$ _____	\$ <u>50</u>
Victims Assessment (CIC)			
BPST Assessment (BPAS)			
County Assessment (CJAS)			
DWS Assessment (MVRA)			
Attorney fees (ATFE)	<u>500</u>		<u>500</u>
Extradition costs			
DUII conviction fee			
Other costs			
Other costs			
Compensatory fine ("C") / Restitution ("R") (see above)	\$ <u>4,044.47</u>		<u>4,044.47</u>
1. <input checked="" type="checkbox"/> R			
2. <input type="checkbox"/>			
3. <input type="checkbox"/>			
4. <input type="checkbox"/>			
5. <input type="checkbox"/>			
6. <input type="checkbox"/>			
7. <input type="checkbox"/>			
8. <input type="checkbox"/>			
9. <input type="checkbox"/>			
10. <input type="checkbox"/>			
11. <input type="checkbox"/>			
12. <input type="checkbox"/>			
TOTAL DUE			\$ <u>4,594.47</u>

Terms of payment:

- ☐ Immediately due
- ☒ Payable per probation officer schedule; or
- ☐ At \$ _____ per month, beginning on _____ 19 _____
- ☐ Bail or security is applied
- ☐ Restitution joint and several with _____
- ☐ in Case No. _____
- ☐ Other _____

If all or part of any of monetary obligation is suspended it is shown above.

Date of Judgment: Nov. 9, 19 90

Charles A. Sims
Circuit/District Judge

Page 2 of 2

CCP-OC 111 (8-90)

24

Severability—1988 c 146: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 146 § 5.]

Effective dates—1988 c 146: "Section 4 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately [March 21, 1988]. The remainder of this act shall take effect July 1, 1988." [1988 c 146 § 6.]

9A.44.060 Rape in the third degree. (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator:

(a) Where the victim did not consent as defined in *RCW 9A.44.010(6), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

(b) Where there is threat of substantial unlawful harm to property rights of the victim.

(2) Rape in the third degree is a class C felony. [1979 ex.s. c 244 § 3; 1975 1st ex.s. c 14 § 6. Formerly RCW 9.79.190.]

*Reviser's note: The reference to subsection (6) of RCW 9A.44.010 is erroneous. As a result of the amendment by 1988 c 146 § 3, "consent" is defined in subsection (7) of that section.

9A.44.073 Rape of a child in the first degree. (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim.

(2) Rape of a child in the first degree is a class A felony. [1988 c 145 § 2.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.076 Rape of a child in the second degree. (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Rape of a child in the second degree is a class B felony. [1988 c 145 § 3.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.079 Rape of a child in the third degree. (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

(2) Rape of a child in the third degree is a class C felony. [1988 c 145 § 4.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.083 Child molestation in the first degree. (1) A person is guilty of child molestation in the first degree

when the person has sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the first degree is a class B felony. [1988 c 145 § 5.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.086 Child molestation in the second degree.

(1) A person is guilty of child molestation in the second degree when the person has sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim.

(2) Child molestation in the second degree is a class B felony. [1988 c 145 § 6.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.089 Child molestation in the third degree. (1)

A person is guilty of child molestation in the third degree when the person has sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim.

(2) Child molestation in the third degree is a class C felony. [1988 c 145 § 7.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.093 Sexual misconduct with a minor in the first degree. (1) A person is guilty of sexual misconduct with a minor in the first degree when the person has sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in sexual intercourse with the victim.

(2) Sexual misconduct with a minor in the first degree is a class C felony. [1988 c 145 § 8.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

9A.44.096 Sexual misconduct with a minor in the second degree. (1) A person is guilty of sexual misconduct with a minor in the second degree when the person has sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in sexual contact with the victim.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor. [1988 c 145 § 9.]

Effective date—Savings—Application—1988 c 145: See notes following RCW 9A.44.010.

COWLITZ SUPERIOR COURT
Clerk's Minutes
Judicial Officer: Warning, Stephen M
Court Reporter:
Clerk: Michelle Cunningham

Date:06/26/2017, 1:00 PM

16-1-01566-0
STATE VS BRADLEY LEWIS REYNOLDS

Case Parties Present/Not Present:

BRADLEY REYNOLDS, Defendant (WIP), Simmie Baer, Attorney, present
present
NFN STATE OF WASHINGTON, Plaintiff Michael Rothman, Attorney, present
(Criminal), present

Matter set for: Non-Jury Trial

Entries:

- 3:05 CT CONVENES
3:05 MS BAER ADDRESSES CT RE OREGON STATUTE & OREGON J & S
3:10 CT RESPONDS; WHERE DO THINGS STAND?
3:10 MS BAER RESPONDS RE MOTIONS IN LIMINE
3:11 CT RESPONDS; DISCUSSION
3:13 MR ROTHMAN RESPONDS
3:16 MR BAER REBUTTAL
3:18 CT RULES; 1990 RAPE 3 CONVICTION IS NOT COMPERABLE TO WA
CHARGE; 2000 NOTICE TO REGISTER IS EFFECTIVE; FTR IN 2005 & 2008 WILL
NOT COUNT THEM ; 2010 LAW CHANGE; 2014 FTR IS VALID; HAS A VALID
EXISTENT OBLIGATION TO REGISTER AS OF 2010
3:22 MR ROTHMAN RESPONDS RE POINTS
3:22 CT ADDRESSES COUNSEL RE SCHEDULE; 7/11/2017 @ 3:00 STIPULATION
OF FACTS TRIAL; DISCUSSION
3:23 MS BAER RESPONDS
3:24 CT RESPONDS; DISCUSSION
3:26 MS BAER RESPONDS RE CASE LAW; DISCUSSION
3:27 CT ADJOURNS

16-1-01566-0
STP
Stipulation
1560122



FILED
FILED
SUPERIOR COURT

2017 JUL 11 PM 4 37

COWLITZ COUNTY
STACI L. MYKLEBUST, CLERK

BY

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

STATE OF WASHINGTON,

Plaintiff,

-VS.-

BRADLEY L. REYNOLDS,

Defendant.

No. 16-1-01566-0

**STIPULATIONS,
FINDINGS OF FACT,
AND CONCLUSIONS OF LAW**

THIS MATTER having come before the undersigned judge of the above-entitled court and the State being represented by MICHAEL W. ROTHMAN, Deputy Prosecuting Attorney for Cowlitz County, and Defendant being present and represented by SIMMIE BAER, and the Court considering the following Stipulation of Facts for the purpose of trial to the court, preserving any right of the defendant to appeal any adverse ruling in pre-trial matters.

I. STIPULATION OF FACTS


WE, THE UNDERSIGNED, AGREE AND STIPULATE to the following facts to be considered by the court as to the issue of guilt in this matter in a trial to the court without a jury. By his signature, Defendant acknowledges that he is aware of his absolute right to a trial by a jury, that no one has made threats or promises to persuade Defendant to waive this right, and that Defendant knowingly and willingly waives his right to have the matter tried to a jury, choosing to have a trial by a Judge only.

STIPULATION, FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 1

22

Cowlitz County Prosecuting Attorney
312 SW 1st Avenue
Kelso, WA 98626

Scanned


BRADLEY L. REYNOLDS
Defendant

1
2
3
4 BASED ON THE FOREGOING Stipulation of Facts, the Court now makes the
5 following:

6 **II. FINDINGS OF FACTS**

7 1. The defendant, in the County of Cowlitz, State of Washington, on or about, 7/19/2016, having
8 been convicted of a sex offense, to wit: Rape in the third Degree, Clackamas Circuit Court, OR
9 90-262; and Fail to Register Sex Offender, Jefferson County, WA 13-1-00050-0, did knowingly
10 fail to send his change of address to the Cowlitz County Sheriff within 3 business days of
11 moving within Cowlitz County and/or within 3 business days of moving to another county
12 within Washington and/or after ceasing to have a fixed residence and having last registered with
13 the Cowlitz County Sheriff did knowingly fail to provide written notice to the Cowlitz County
14 Sheriff within 3 business days excluding weekends and court holidays and/or within 3 business
15 days of moving to another State or foreign country, and/or lacking a fixed residence did
16 knowingly fail to report weekly to the Cowlitz County Sheriff, contrary to RCW 9A.44.130(1),
17 (4)(a), (4)(b), (5)(a), (5)(b) and RCW 9A.44.132(1)(b) and against the peace and dignity of the
18 State of Washington.

14 **III. CONCLUSIONS OF LAW**

15 2. This Court finds and concludes beyond a reasonable doubt that on or about, 7/19/2016, in the
16 County of Cowlitz, State of Washington, the Defendant did knowingly fail to send his change of
17 address to the Cowlitz County Sheriff within 3 business days of moving within Cowlitz County
18 and/or within 3 business days of moving to another county within Washington and/or after
19 ceasing to have a fixed residence and having last registered with the Cowlitz County Sheriff did
20 knowingly fail to provide written notice to the Cowlitz County Sheriff within 3 business days
21 excluding weekends and court holidays and/or within 3 business days of moving to another State
22 or foreign country, and/or lacking a fixed residence did knowingly fail to report weekly to the
23 Cowlitz County Sheriff, contrary to RCW 9A.44.130(1), (4)(a), (4)(b), (5)(a), (5)(b) and RCW
24 9A.44.132(1)(b) and against the peace and dignity of the State of Washington.

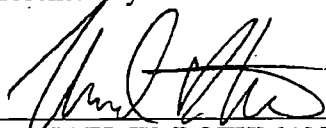
21 **IV. VERDICT**

22 1. As to Count I of the information charging the Defendant with Failure to Register – Second or
23 More Previous Convictions, contrary to RCW 9A.44.130(1), (4)(a), (4)(b), (5)(a), (5)(b) and RCW
24 9A.44.132(1)(b), the Court finds the Defendant Guilty.


1 DONE IN OPEN COURT this 11 of July, 2017.

2
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4
5 
6 SUPERIOR COURT JUDGE
7
8
9

10 Presented by:

11 
12
13 MICHAEL W. ROTHMAN
14 WSBA #40119
15 Deputy Prosecuting Attorney

16 APPROVED AS TO FORM and consent to entry granted

17 
18
19 SIMMIE BAER
20 WSBA #14179
21 Attorney for Defendant

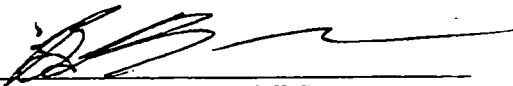
22 
23
24 BRADLEY L. REYNOLDS
25 Defendant

EXHIBIT B

OREGON REVISED STATUTES:

- (i) 181.603 Notice of Reporting Obligation to be given at Sentencing; Procedure at Intake. [LAWS OF: 1997 C. 538 S. 2; 1999 C. 626 S. 19]; One page;
- (ii) 163A.050 Notice of Reporting Obligation to be given at Sentencing; Procedure at Intake. [LAWS OF 2015, 2016 et al.]; One page;
- (iii) 163A.010 Reporting by Sex Offender Discharged, Paroled or Released From Correctional Facility or Another United States Jurisdiction. [LAWS OF 2015, 2016 et al.]; three pages; and
- (iv) 163A.015 Reporting by Sex Offender Discharged, Released or Placed on Probation by Court or Another United States Jurisdiction. [LAWS OF 2015, 2016 et al.]; three pages.

Totaling 8 Pages

EXHIBIT B

NOTICE TO THE COURT WHERE ASTERISK AND UNDERLINED EMPHASIS IS ADDED] EXHIBIT Q
SEE ATTACHMENTS
1 1/2

*law enforcement agencies in preventing future sex offenses. [1991 c.389 s.7; 1995 c.429 s.8]

Note: See third note under 181.597.

* **181.603 Notice of reporting requirement to be given at sentencing; procedure at intake.** (1) When the court imposes sentence upon a person convicted of a sex crime the court shall notify the person of the requirement to report as a sex offender under ORS 181.595 and 181.596.

(2) At the initial intake for incarceration or release on any type of supervised release, the sex offender shall complete a form that documents the offender's obligation to report under ORS 181.595 or 181.596. The Department of State Police shall develop and provide the form. No later than three working days after the sex offender completes the form, the person responsible for the intake process shall send the form to the Department of State Police. [1997 c.538 s.1; 1999 c.626 s.19]

Note: See first note under 181.586.

Note: The amendments to 181.603 by section 42, chapter 626, Oregon Laws 1999, become operative July 1, 2002. See section 46, chapter 626, Oregon Laws 1999. The text that is operative on and after July 1, 2002, is set forth for the user's convenience.

181.603. (1) When the court imposes sentence upon a person convicted of a sex crime the court shall notify the person of the requirement to register as a sex offender under ORS 181.595 and 181.596.

(2) At the initial intake for incarceration or release on any type of supervised release, the sex offender shall complete a form that documents the offender's obligation to register under ORS 181.595 or 181.596. The Department of State Police shall develop and provide the form. No later than three working days after the sex offender completes the form, the person responsible for the intake process shall send the form to the Department of State Police.

Note: 181.603 to 181.606 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 181 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

181.604 Notice required when offender moves to another state. When the Department of State Police learns that a person required to report under ORS 181.595, 181.596 or 181.597 is moving to another state, the department shall notify the appropriate criminal justice agency of that state of that fact. The department is not responsible for registering and tracking a person once the person has moved from this state. [1997 c.538 s.8; 1999 c.626 s.20]

Note: See first note under 181.586 and third note under 181.603.

Note: The amendments to 181.604 by section 43, chapter 626, Oregon Laws 1999, become operative July 1, 2002. See section 46, chapter 626, Oregon Laws 1999. The text that is operative on and after July 1, 2002, is set forth for the user's convenience.

181.604. When the Oregon State Police learns that a person required to register under ORS 181.595, 181.596 or 181.597 is moving to another state, the Oregon State Police shall notify the appropriate criminal justice agency of that state of that fact. The Oregon State Police is not responsible for registering and tracking a person once the person has moved from this state.

181.605 Offender profiling. (1) For those sex offenders designated as a predatory sex offender by a community corrections agency, the Department of Corrections and any other agency that is responsible for supervising or treating sex offenders, the agency or department shall provide the Department of State Police, by electronic or other means, at the termination of supervision, with the following information for the purpose of offender profiling:

- (a) Presentence investigations;
- (b) Violation reports;
- (c) Parole and probation orders;
- (d) Conditions of parole and probation and other corrections records;

EXHIBIT B

[NOTICE TO THE COURT WHERE
ASTERISK & UNDERLINED EMPHASIS
IS ADDED]

2015 ORS 163A.050¹

*** Notice of reporting obligation to be given at sentencing**

• procedure at intake

- * (1)** When the court imposes sentence upon a person convicted of a sex crime the court shall notify the person of the obligation to report as a sex offender under ORS 163A.010 (Reporting by sex offender discharged, paroled or released from correctional facility or another United States jurisdiction) and 163A.015 (Reporting by sex offender discharged, released or placed on probation by court or another United States jurisdiction).
- (2)** At the initial intake for incarceration or release on any type of supervised release, the sex offender shall complete a form that documents the offender's obligation to report under ORS 163A.010 (Reporting by sex offender discharged, paroled or released from correctional facility or another United States jurisdiction) or 163A.015 (Reporting by sex offender discharged, released or placed on probation by court or another United States jurisdiction) and the effect described in ORS 163A.115 (When certain classification required) of failing to submit to a sex offender risk assessment. The Department of State Police shall develop and provide the form. No later than three working days after the sex offender completes the form, the person responsible for the intake process shall send the form to the Department of State Police. [Formerly 181.815]

¹ Legislative Counsel Committee, *CHAPTER 163A—Sex Offender Reporting and Classification*, https://www.oregonlegislature.gov/bills_laws/ors/ors163A.html (2015) (last accessed Jul. 16, 2016).

2015 ORS 163A.010¹

Reporting by sex offender discharged, paroled or released from correctional facility or another United States jurisdiction

EXHIBIT B
[NOTICE TO THE COURT WHERE
ASTERISK & UNDERLINED EMPHASIS
IS ADDED]



This section is amended

Effective April 4, 2016

Chapter 95 Oregon Laws 2016 (HB 4074)

Relating to juveniles; creating new provisions; amending ORS 163A.010, 163A.025, 163A.030, 163A.040, 163A.130, 163A.135 and 419A.255; and declaring an emergency.

- (1) The agency to which a person reports under subsection (3) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (3) of this section.



- (2) Subsection (3) of this section applies to a person who:

- (a) Is discharged, paroled or released on any form of supervised or conditional release from a jail, prison or other correctional facility or detention facility in this state at which the person was confined as a result of:

- (A) Conviction of a sex crime or a crime for which the person would have to register as a sex offender under federal law; or

- (B) Having been found guilty except for insanity of a sex crime;

- (b) Is paroled to this state under ORS 144.610 (Out-of-state supervision of parolees) after being convicted in another United States court of a crime:

- (A) That would constitute a sex crime if committed in this state; or

- (B) For which the person would have to register as a sex offender in that court's jurisdiction, or as required under federal law, regardless of whether the crime would constitute a sex crime in this state; or

- (c) Is discharged by the court under ORS 161.329 (Order of discharge) after having been found guilty except for insanity of a sex crime.

(3) (a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled or released or in which the person was otherwise placed:

- (A)** Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release;
- (B)** Within 10 days of a change of residence;
- (C)** Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;
- (D)** Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; **and**
- (E)** Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision or custody authorized by law, the Oregon Youth Authority may register a youth offender committed to its supervision and custody by order of the juvenile court or a person placed in its physical custody under ORS 137.124 (Commitment of defendant to Department of Corrections or county) or any other provision of law.

(d) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(4) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

- (A)** Provide the information necessary to complete the sex offender registration form and sign the form as required; **and**

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, Oregon Youth Authority, city police department or county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; **and**

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police. [Formerly 181.806]

¹ Legislative Counsel Committee, *CHAPTER 163A—Sex Offender Reporting and Classification*, https://www.oregonlegislature.gov/bills_laws/ors/ors163A.html (2015) (last accessed Jul. 16, 2016).

EXHIBIT B

2015 ORS 163A.015'

[NOTICE TO THE COURT WHERE
ASTERISK & UNDERLINED EMPHASIS
IS ADDED]

**Reporting by sex offender discharged, released
or placed on probation by court or another
United States jurisdiction**

(1) The agency to which a person reports under subsection (4) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (4) of this section.

* (2) Subsection (4) of this section applies to a person who is discharged, released or placed on probation:

(a) By the court after being convicted in this state of a sex crime;

(b) By a federal court after being convicted of a crime for which the person would have to register as a sex offender under federal law, regardless of whether the crime would constitute a sex crime in this state; **or**

(c) To or in this state under ORS 144.610 (Out-of-state supervision of parolees) after being convicted in another United States court of a crime:

(A) That would constitute a sex crime if committed in this state; **or**

(B) For which the person would have to register as a sex offender in that court's jurisdiction, regardless of whether the crime would constitute a sex crime in this state.

* (3) The court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.010 (Reporting by sex offender discharged, paroled or released from correctional facility or another United States jurisdiction) or this section. No later than three working days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

* (4) (a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged or released or in which the person was placed on probation:

- * (A) Within 10 days following discharge, release or placement on probation;
- (B) Within 10 days of a change of residence;
- (C) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;
- (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; **and**
- (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.

The word "if" denotes a signifier relating to an ORDER OF THE COURT. This word alone shows that the power of the statute applies to the order of the court was required. The word "if" was required for a person to report to the agencies described in pp. 4 (ib)

- * (b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.
- (c) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.
- (5) As part of the registration and reporting requirements of this section:
- (a) The person required to report shall:
- (A) Provide the information necessary to complete the sex offender registration form and sign the form as required; **and**
- (B) Submit to the requirements described in paragraph (b) of this subsection.
- (b) The Department of State Police, the city police department or the county sheriff's office:
- (A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;
- (B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; **and**
- (C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police. [Formerly 181.807]

¹ Legislative Counsel Committee, *CHAPTER 163A—Sex Offender Reporting and Classification*, https://www.oregonlegislature.gov/bills_laws/ors/ors163A.html (2015) (last accessed Jul. 16, 2016).

OregonLaws.org, a WebLaws.org site

Exh. b.1

C

(1) RECORDS RESPONSE LETTERS WITH DOCUMENTS FROM WA. STATE PAROLE - INCLUDING COPIES OF ANSWERS AS PROOF OF MATRIK. THE RECORDS TO PETITIONER & DEFENDANT. (ORIGINAL COPIES TO THE COA'S, D.U.I. AND CRIMINAL ENVOYERS OF MATRIK.)

PLEASE NOTE:

THERE ARE ADDITIONAL REGISTRATION RECORDS FROM DEFENDANT COUNTY, WA. SUBMITTING REGISTRATION ON 10-31-2000 AND 09-25-2000, WHICH WERE TAKEN WITH PETITIONER DEFENDANT MOVED BACK TO WASHINGTON STATE FROM OREGON STATE. THEREFORE NOT RELEVANT TO THE CASE AT HAND OTHER THAN TO SHOW A COMPLETE RECORD SENT TO PETITIONER DEFENDANT FROM CORRECTIONS STATE PAROLE, AND TO COMPLETE THE TIME-LINE EVENTS OF SEX OFFENDER REGISTRATION EVENTS TO PETITIONER DEFENDANT'S REGISTRATION IN THE YEAR 2000.

Totally 16 Pages

Exhibit

EXHIBIT C



State of Washington
WASHINGTON STATE PATROL
Public Disclosure Section
PO Box 42631
Olympia WA 98504-2631



PRESORTED
FIRST CLASS

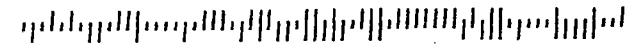


U.S. POSTAGE >> PITNEY BOWES
ZIP 98501 \$ 000.37⁵
02 4W
0000354548 JUL 19 2018

SCCCIMU
FB07

Mr. Bradley Reynolds, #947739
Stafford Ck Correction Center G-A C-15
191 Constantine Way
Aberdeen, WA 98520

FYA-65F 98520





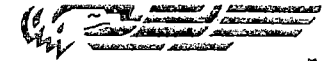
State of Washington
WASHINGTON STATE PATROL
Public Disclosure Section
PO Box 42631
Olympia WA 98504-2631



PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 98501 \$ 000.37⁵
02 4W
0000354556 JUN 26 2018

Mr. Bradley Reynolds, #947739
Stafford Ck Correction Center G-A C-15
191 Constantine Way
Aberdeen WA 98520

EYA-S5F 98520



NAME Bradley Reynolds (Requester)
DOC # 947139 UNIT G-A CMC-15
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520

To: Washington State Patrol (Respondent)
General Administration Bldg.
Central Registry Records Division
210 11th Ave S.W., PO Box 42600
Olympia, WA 98504-2600

Date: 6-14-2012

This is my formal request per RCW 42.56 et seq. for disclosure of the following information: (PLEASE SEE John Doe Av. Wash. State Patrol, 185 Wn. 2d 363 (2000); in re context of this Request).

All records, documents, written material, e-file(s), etc.
pertaining to Requester's sex offender registration
in the State of Washington for the year 2000.

Please confirm with Requester copy costs and
search fees, if any, by way of an invoice
setting-out the identity and pages of the documents,
records, etc to be copied and mailed per this request.

Please respond within seven (7) days from
receipt of this request. If you need more time,
please respond within the time-frame requesting such.

The promptness provision of the public records act (RCW 42.56.520) is herewith invoked.

Bradley Reynolds

Signature Bradley Lewis Reynolds

OF 12.30 - Public Records Request

D.O.B. October 31, 1970
S.S.N. 534-78-5402

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10)

(11) (12) (13) (14) (15) (16) (17) (18) (19) (20)

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(91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

JAY INSLEE
Governor



JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL

PO Box 42631 • Olympia, Washington 98504-2631 • www.wsp.wa.gov

June 25, 2018

RE: Public Records Request of June 25, 2018, Reference # R002828-062518

Dear Mr. Bradley Reynolds, #947739,

Thank you for your inquiry to the Washington State Patrol. Pursuant to RCW 42.56.520, this is notification that we have received your public disclosure request below.

"All records, documents, written material, e-files, etc. pertaining to requester's sex offender registration in the State of Washington for the year 2000."

We anticipate it may take up to 25 days from the date of this notification to provide our response. Additional time is required due to the current volume of pending records requests, and to research this request, search for and collect existing responsive records, notify involved parties, and/or prepare records for dissemination

Should you have any questions, please feel free to contact us via our web portal at [https://wsp.govqa.us/WEBAPP/_rs/\(S\(n2tbm52daq0egg1wcz3u2db\)\)/SupportHome.aspx](https://wsp.govqa.us/WEBAPP/_rs/(S(n2tbm52daq0egg1wcz3u2db))/SupportHome.aspx).

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Dolan".

Ms. Gretchen Dolan, CPRO
Risk Management Division

GLD:gld
Enclosure

JAY INSLEE
Governor



JOHN R. BATISTE
Chief

STATE OF WASHINGTON
WASHINGTON STATE PATROL

PO Box 42631 • Olympia, Washington 98504-2631 • www.wsp.wa.gov

July 17, 2018

Mr. Bradley Reynolds, #947739
Stafford Ck Correction Center G-A C-15
191 Constantine Way
Aberdeen, WA 98520

RE: PUBLIC RECORDS REQUEST of June 25, 2018, Reference # R002828-062518.

Dear Mr. Reynolds,

The Washington State Patrol (WSP) received a public records request from you on June 25, 2018. You requested:

"All records, documents, written material, e-files, etc. pertaining to requester's sex offender registration in the State of Washington for the year 2000."

WSP has reviewed its files and has located responsive records to your request. Please find them enclosed.

Public Records Request - R002828-062518

Should you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Dolan".

Ms. Gretchen Dolan, CPRO
Risk Management Division

GLD:gld
Enclosure



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

E 87 OCT 03 2000

Microfilm
③ SID# 14153084
DOC 05-444A
REGISTRATION/-NOTIFICATION

OFFENDER NAME:

REYNOLDS, BRADLEY L.

DOC NUMBER

947739

FACILITY

WASH STATE PEN

ALIASES: JACOBS DONALD O
JACOBS DON
REYNOLDS BUMPS

DATE OF BIRTH

10/31/1970

PLACE OF BIRTH

WASHINGTON

SOCIAL SECURITY NUMBER:

534-78-5402

SID:

14153084

RELEASE ADDRESS:

1311 DUCKABUSH RIVER ROAD

PLACE OF EMPLOYMENT:

BRINNON

WA 98252

COUNTY: JEFFERSON

CRIME

RAPE 3

CAUSE #

900262

COUNTY OF CONVICTION

INTERSTATE

DATE OF SENTENCE
11/09/1990

I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT. I HAVE BEEN REGISTERED BY THE DEPARTMENT OF CORRECTIONS AND INFORMED OF MY REGISTRATION REQUIREMENT TO REPORT TO THE COUNTY SHERIFF'S OFFICE IN MY COUNTY OF RESIDENCE EMPLOYMENT/SCHOOL OR VOCATION WITHIN 24 HOURS.

OFFENDER'S SIGNATURE

DATE

WITNESSING OFFICER SIGNATURE

DATE

FOR USE BY COUNTY SHERIFF

ACTUAL RELEASE DATE: (SEE FORS)



OFFENDER HAS FAILED TO REGISTER. COUNTY SHERIFF IS TO FORWARD THIS PACKET WITHIN A REASONABLE TIME FRAME (5 DAYS) TO THE WASHINGTON STATE PATROL.

DISTRIBUTION: ORIGINAL - SHERIFF'S OFFICE OF COUNTY OF RESIDENCE
(ORIGINAL W/ ATTACHMENTS)

COPY

- INMATE CENTRAL FILE
- OFFENDER (WITH NOTIFICATION OF
(REGISTRATION REQUIREMENT)
- RECEIVING ASSIGNMENT OFFICER/ SUPERVISING CCO

DOC 05-444A

RECEIVED

JUN 05 2000

WSP IDENT. SECT



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

ORDER OF RELEASE

SECTION 1

OFFENDER'S NAME REYNOLDS, BRADLEY L.		DOC NUMBER 947739	FACILITY WSP
DATE OF BIRTH 10-31-70	SCHEDULED RELEASE DATE 5-28-00 ADJ	RECORDS MANAGER/DESIGNEE JANICE WILLIAMS	DATE 4-3-00
SID NUMBER 14153084	AUTHORIZED/ACTUAL RELEASE 6-13-00	TYPE OF RELEASE <input checked="" type="checkbox"/> DETAINER/WARRANT <input type="checkbox"/> MAX EX <input type="checkbox"/> TRANSFER TO CCI <input checked="" type="checkbox"/> SRA	<input type="checkbox"/> BOND <input type="checkbox"/> CCV <input type="checkbox"/> PRS/CCM <input type="checkbox"/> PAROLE

The Department of Corrections, after carefully reviewing all available information, hereby releases the above named individual, an inmate of a Washington State Correctional Facility.

SECTION 2

RELEASE ADDRESS CLACKAMAS CO., OREGON DETAINER PH:	EMERGENCY CONTACT: MUST BE COMPLETED NAME JAMES REYNOLDS ADDRESS 1311 DUCKABUSH RU. RD. BRINNON, WA TELEPHONE (360) 706-3729
--	---

I understand that I must report to the designated Community Corrections Officer (CCO) no later than the next work day following my actual release date as noted above.

TO: WALLA WALLA OFFICE, PH: 509 527-4440

401 W MAIN	WALLA WALLA, WA	99362
OFFICE ADDRESS	CITY, STATE	ZIP CODE

SECTION 3

1. Per RCW 9.94A.220(4), I have been notified of the Department's Voluntary Assistance for Released Offenders.
2. (If applicable) I have been registered with the Department of Corrections and informed of the registration requirements with my county of residence. I have signed and received a copy of the DOC Registration/Notification, DOC 20-312.
3. Any detainer served by the Immigration and Naturalization Service (INS) remains in effect. If the INS detainer is dropped or if I return to the State of Washington, I will report no later than the next work day to the Duty Officer, PSI 1 - Court Liaison Section, 2401 4th Avenue, 6th Floor, Seattle, Washington 98121-1435; Phone: (206) 269-2074.
4. I understand that, under the provision of the sentencing laws of the state of Washington, I am subject to the conditions and/or sentence requirements imposed by the court/ISRB. I also understand that if I am under the legal custody/supervision of the Department of Corrections, I must comply with all imposed conditions and instructions of the Department.
5. If I am transferred to Community Custody and fail to report as ordered, I understand that escape charges may be filed against me.

Offender's Initials

OFFENDER'S NAME (PLEASE PRINT) BRADLEY REYNOLDS	WITNESS <i>B. Thompson</i>	DATE 5-30-00
OFFENDER'S SIGNATURE <i>Bradley Reynolds</i>	RELEASING AGENT (CRM/CCO) <i>Janice A. Williams</i>	DATE 4-3-00

Distribution:
WHITE-Central File
CANARY-Offender
PINK-Receiving Assignment Officer/ Supervising CCO (with attachments)
GOLDENROD-CRM Worksheet, Field Only

Attachments:
DOC Registration/Notification (if appropriate) Yes
Order of Parole (if appropriate)
Release Packet:
J&S (All current causes on DI14 except parole causes)
PSI (Most recent)
CHR Summary
DOC 20-030 (Most recent)

Microfilm

S

14153084


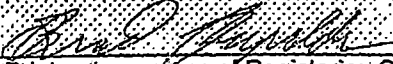
WASHINGTON STATE PATROL IDENTIFICATION SECTION
SEX AND KIDNAPPING OFFENDER REGISTRATION

Change of Address and/or Annual Verification Form

Reason for change of address:

E 87 AUG 13 2000

☐ OUT OF STATE ☐ IN CUSTODY ☐ MOVED ☐ *FAIL TO VERIFY ADDRESS

Full name of registrant:							
Last		First			Middle		
REYNOLDS,		BRADLEY			L		
SID Number		FBI Number			Social Security Number		
WA14153084		725850JA1			534-78-5402		
DOB	POB	SEX	RACE	HEIGHT	WEIGHT	HAIR	EYES
10/31/70	WA	M	W	509	210	BRO	BLU
Convicted of:				Aliases used:			
RAPE 3RD							
Date/Place of conviction:							
11/09/90 CLACKAMAS COUNTY OREGON							
Last registered address:							
Street:				Apt. #:			
City:				Zip:			
New address: BENTON COUNTY JAIL							
Street: 7320 W QUINAULT				Apt. #:			
City: KENNEWICK, WA				Zip: 99336			
Employer Name/Address:							
Signature of Offender						Date	
						6-10-00	
Signature of Registering Officer							
							
Print or type name of Registering Officer						Agency Name	
K. FORSMAN						BENTON COUNTY	
(Area Code) Telephone Number						SHERIFF'S OFFICE	
(509) 735-6555							

* Fill in shaded areas for Fail to Verify Address.

3000-240-502 (R 6/98)

RECEIVED

JUN 27 2000

WSP IDENT. SEC

STATE USAGE 400001000000850912		SEX OFFENDER REGISTRATION LAST NAME NAME KEYNE FIRST NAME Bradley MIDDLE NAME WA 4153084 FILE WA 4153084 LEAVE BLANK 72700 8		CONTRIBUTOR WA0030000 S0 KENNEWICK WA		DATE OF BIRTH DOB Month 10 Day 31 Year 70		PLACE OF BIRTH DOB WA	
ALIASES 7 AUG 13 2000		REGISTRATION DATE 06:14:00		YOUR NO. OCA 5X10844		SEX M		RACE W	
SIGNATURE OF PERSON FINGERPRINTED <i>Michael Kennedy</i>		SIGNATURE OF OFFICIAL TAKING FINGERPRINTS <i>Thy Phu</i>		DATE 06-14-00		HEIGHT 5'09"		WEIGHT 210	
CONVICTED OF Rape 3rd		CONVICTION DATE 11-09-910		PLACE OF CONVICTION Clackamas Co, OR		CLASS VVI		REF VVI	
LEAVE BLANK WA 4153084		LEAVE BLANK WA 4153084		LEAVE BLANK WA 4153084		LEAVE BLANK WA 4153084		LEAVE BLANK WA 4153084	
CAUTION		CAUTION		CAUTION		CAUTION		CAUTION	
PURSUANT TO CHAPTER 3, LAWS 1990		PURSUANT TO CHAPTER 3, LAWS 1990		PURSUANT TO CHAPTER 3, LAWS 1990		PURSUANT TO CHAPTER 3, LAWS 1990		PURSUANT TO CHAPTER 3, LAWS 1990	
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE	
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY	



4000100001127876

X/KIDNAPPING OFFENDER REGISTRATION

TYPE OF REGISTRATION

- ☒ SEX OFFENDER REGISTRATION
☐ KIDNAPPING OFFENDER REGISTRATION
☐ SEX/KIDNAPPING OFFENDER REGISTRATION

LEAVE BLANK

STATE USAGE

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

REYNOLDS, BRADLEY L.

WA14153084 3

SIGNATURE OF PERSON FINGERPRINTED

SOCIAL SECURITY NUMBER

534 78 5402

LEAVE BLANK

ALIASES/MAIDEN

LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX

Bumps, Bradley

JACOBS, DONALD O.

M12/6 EB AH 87
DI ☐ VV-I ☐
OC ☐ VV-T ☐
Donald 5 TR & DI ☐

INFORMATION PROVIDED ON THIS CARD MAY BE COMPUTERIZED IN LOCAL, STATE AND FEDERAL FILES

A 1 1 FEB 12 '01

FBI NO.

7258505A1

STATE IDENTIFICATION NO.

WA14153084

DATE OF BIRTH: MM/DD/YY

10 31 70

SEX

M

RACE

W

HEIGHT

510

WEIGHT

200

EYES

BLU

HAIR

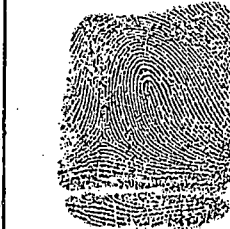
BRN



1. R. THUMB



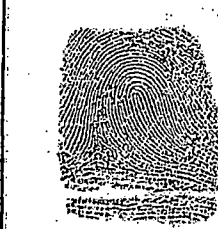
2. R. INDEX



3. R. MIDDLE



4. R. RING



5. R. LITTLE



6. L. THUMB



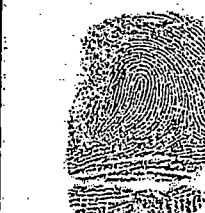
7. L. INDEX



8. L. MIDDLE



9. L. RING



10. L. LITTLE



LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY



L. THUMB

R. THUMB



RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

WASHINGTON STATE PATROL IDENTIFICATION AND CRIMINAL HISTORY SECTION

P.O. BOX 42633
OLYMPIA, WA 98504-2633

PRIVACY ACT OF 1974 (P.L. 93-579) REQUIRES THAT FEDERAL, STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION, AND USES WHICH WILL BE MADE OF IT.

INSTRUCTIONS

1. REGISTRATION/SUBMISSION REQUIRES SOR REGISTRATION FINGERPRINT CARD AND A PHOTOGRAPH, PURSUANT TO RCW 9A.44.130.
2. SHERIFF'S OFFICE MUST SUBMIT REGISTRATION TO THE WASHINGTON STATE PATROL WITHIN 5 DAYS.
3. ON BACK OF PHOTOGRAPH, INCLUDE REGISTRANT'S NAME AND DOB.

WHO MUST REGISTER

ANY INDIVIDUAL IN THIS STATE WHO HAS BEEN FOUND TO HAVE COMMITTED OR HAS BEEN CONVICTED OF ANY SEX OFFENSE OR KIDNAPPING OFFENSE, OR WHO HAS BEEN FOUND NOT GUILTY BY REASON OF INSANITY UNDER CHAPTER 10.77 RCW, AS DESCRIBED IN RCW 9A.44.130.

REASON FOR REGISTRATION: <input checked="" type="checkbox"/> RESIDENT OF WA <input type="checkbox"/> NON-RESIDENT OF WA <input type="checkbox"/> EMPLOYMENT <input type="checkbox"/> STUDENT	REGISTRATION DATE: 09-25-00	ORI: WA 0160000
	ENDING REGISTRATION DATE: 11-09-2000	CONTRIBUTOR: JEFFERSON CO. SHERIFF
		ADDRESS: 51 ELKINS RD. PT HADLOCK, WA 98339
RISK LEVEL CLASSIFICATION: I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/>	DATE OF CONVICTION: 11-08-1990	PLACE OF BIRTH (STATE OR COUNTRY): SHELTON, WA
		COUNTRY OF CITIZENSHIP: USA
PLACE OF CONVICTION: CLACKAMAS CO., OR	SCARS, MARKS, TATTOOS, AND AMPUTATIONS: TATTOO LT. SHOULDER OF TIGER, DRAGON, PLST	
CONVICTION(S) RESULTING IN REGISTRATION: RAPE, 3	SEXUAL PREDATOR: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DNA AVAILABLE: (OREGON) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
OFFICIAL TAKING FINGERPRINTS: S. RICHMOND #402	LOCAL IDENTIFICATION NUMBER: 00-4494	CAUTION AND MEDICAL CONDITIONS: NONE

CURRENT RESIDENCE OF PERSON BEING FINGERPRINTED

STREET ADDRESS: 1311 DUCKABUSH RIVER RD.
CITY: BRINNON STATE: WA ZIP CODE: 98320 PHONE NO: 360 796 3729
OCCUPATION: SALES MGMT. EMPLOYER: UNEMPLOYED EMPLOYER STREET ADDRESS: NONE
EMPLOYER CITY: NONE STATE: — ZIP CODE: — PHONE NO: RECEIVED

ADDITIONAL INFORMATION

LAST REGISTERED ADDRESS:

322 SW 11TH AVE.
PORTLAND, OR 97205

LEAVE BLANK

OCT 15 2000
WSP IDENT. SECT.

NOTIFICATION OF REGISTRATION REQUIREMENT

Under RCW 9A.44.130 offenders with the following offenses must register with the county sheriff for the county of the offender's residence.

- Rape 1, 2, or 3.....(RCW 9A.44.040, 050, and 060, respectively.)
- Rape of a Child 1, 2, or 3.....(RCW 9A.44.073, 076, and 079, respectively.)
- Child Molestation 1, 2, or 3.....(RCW 9A.44.083, 086, and 089, respectively.)
- Sexual Misconduct With A Minor 1 or 2.....(RCW 9A.44.093, and 096, respectively.)
- Indecent Liberties.....(RCW 9A.44.100.)
- Incest 1 or 2.....(RCW 9A.64.020 (1) and (2).)
- Kidnapping 1 or 2
(if victim is a minor and offender is not the minor's parent).....(RCW 9A.40.020, and 030, respectively.)
- Unlawful Imprisonment
(if victim is a minor and offender is not the minor's parent).....(RCW 9A.40.040)
- Sexual Exploitation of a Minor.....(RCW 9.68A.040)
- Dealing in Depictions of Minor
Engaged in Sexually Explicit Conduct.....(RCW 9.68A.050)
- Sending, Bringing Into State Depictions of Minor
Engaged in Sexually Explicit Conduct.....(RCW 9.68A.060)
- Communication with a Minor for Immoral Purposes.....(RCW 9.68A.090)
- Patronizing Juvenile Prostitute.....(RCW 9.68A.100)
- Any federal, military, foreign, or out-of-state conviction for an offense that would have been one of the foregoing offenses under the laws of the state of Washington.
- Any gross misdemeanor that is, under RCW 9A.28, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.
- Any felony with a finding of sexual motivation.....(RCW 9.94A.127)

For the purposes of Registration/Notification, "sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under Chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

"Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in Chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

REQUIREMENTS OF THE LAW

Offenders required to register must appear in person at the sheriff's office in their county of residence.

NOTE: The county sheriff will photograph and fingerprint you and send this information to the Washington State Patrol.

REGISTRATION DEADLINES

OFFENDERS IN CUSTODY: (A) If you are a sex offender who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, is in custody as a result of that offense, or (B) a kidnapping offender who on

or after July 27, 1997, is in custody, you must register within 24 hours from the time of release with the county sheriff for the county of your residence. If you have been adjudicated for a sex offense, provided you are under the custody or supervision of the Department as of February 28, 1990, or a kidnapping offense as of July 27, 1997, you must also register. If you are not a resident of Washington, but attend school or work in Washington, you must register with the county sheriff for the county of your employment or school.

OFFENDERS NOT IN CUSTODY BUT UNDER THE JURISDICTION OF THE ISRB OR UNDER DOC OR OTHER SUPERVISION: If you are a sex offender who, on July 28, 1991, is not in custody but are under the jurisdiction of the Indeterminate Sentence Review Board or under the Department of Corrections' active supervision, as defined by the Department of Corrections, for sex offenses committed before, on, or after February 28, 1990, or a kidnapping offender, who, on July 27, 1997, is not in custody but is under the jurisdiction of the Indeterminate Sentence Review Board or under the Department of Corrections' active supervision, as defined by the Department of Corrections, for kidnapping offenses committed before, on, or after July 27, 1997, you must register within ten days with the county sheriff for the county of your residence. A change in supervision status of a sex offender who was required to register under statute as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve you of the duty to register or to re-register following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED: If you are a sex offender who is convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, or a kidnapping offender who is convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who is not sentenced to serve a term of confinement immediately upon sentencing, you must report to the county sheriff to register immediately upon completion of being sentenced.

OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY: If you are an adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the Washington State Department of Social and Health Services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody as a result of that finding, you must register within 24 hours from the time of release with the county sheriff for the county of your residence. If you are an adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or an adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, you are required to register within 24 hours of receiving notice of this registration requirement.

OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON STATE RESIDENTS: If you are a sex offender or a kidnapping offender who moves to Washington State from another state or a foreign country and are not under the jurisdiction of the Department of Corrections, the Indeterminate Sentence Review Board, or the Washington State Department of Social and Health Services at the time of moving to Washington State, you must register within 30 days of establishing residence or re-establishing residence if you are a former Washington State resident. The duty to register under this requirement applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington State for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington State for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington State, are under the jurisdiction of the Department of Corrections, the Indeterminate Sentence Review Board, or the Washington State Department of Social and Health Services must register within 24 hours of moving to Washington State.

OFFENDERS WHO ARE MOVING TO A NEW ADDRESS: If you move to a new address within the same county, you must send written notice of the change of address to the county sheriff within 72 hours of moving. If you move to a new county, you must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and must register with that county sheriff within 24 hours of moving. You must also send written notice within ten days of the change of address in the new county to the county sheriff with whom you last registered. If you move out of Washington State, you must also send written notice within ten days of moving to the new state or foreign country to the county sheriff with whom you last registered.

OFFENDERS WHO APPLY TO CHANGE THEIR NAME UNDER RCW 4.24.130: If you apply to change your name under RCW 4.24.130 or any other law, you shall submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change.

PENALTIES FOR FAILURE TO REGISTER

If you knowingly fail to register or if you move without notifying the sheriff, you are guilty of a Class C felony if the crime for which you were convicted was a felony; or a federal, military, foreign country, or out-of-state conviction for an offense that would be a felony in Washington State. If the crime was other than a felony, etc., failure to register or to notify the sheriff of your move is a gross misdemeanor.

LENGTH OF REGISTRATION

How long you must continue to register depends upon the offense for which you were convicted.

- a. If your offense was a Class A felony, or you were convicted of any sex offense or kidnapping offense and have one or more prior convictions for a sex offense or kidnapping offense, you may only be relieved of the duty to register by petitioning the superior court of the county in which you were convicted (or, in the case of foreign, federal, military, or out-of-state convictions, the Thurston County Superior Court).
- b. If your offense was a Class B felony, and you do not have one or more prior convictions for a sex offense or kidnapping offense, you must register for 15 years after the last date of release from confinement (including full-time residential treatment) resulting from that offense, or entry of sentence.
- c. If your offense was a Class C felony, a violation of RCW 9.68A.090 or 9A.44.096 or an attempt, solicitation, or conspiracy to commit a Class C felony, and you do not have one or more prior convictions for a sex offense or kidnapping offense, you must register for ten years after the last date of release from confinement, or entry of the sentence.
- d. For foreign country, federal, military, or out-of-state sex offenses, the registration period is determined by the classification of the offense if it had occurred under Washington State law. For example, if your offense would have been a Class B felony under Washington State law, you must continue to register for 15 years.

Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty, if the person has spend ten consecutive years in the community without being convicted of any new offenses.

If you wish to be relieved of the duty to register, you may petition the superior court of the county in which you were convicted (or, in the case of foreign, federal, military, or out-of-state convictions, the Thurston County Superior Court). The prosecuting attorney must be named and served as the respondent. As the petitioner you must prove by clear and convincing evidence that future registration will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. You may want to have a lawyer help you with this petition.

Clarification or amendment to RCW 9A.44.130 does not relieve sex offenders of the obligation to comply with the registration requirements as the statute existed before July 28, 1991.

REMEMBER, IT IS A NEW CRIMINAL OFFENSE FOR YOU TO FAIL TO REGISTER OR FAIL TO NOTIFY THE SHERIFF OR A CHANGE OF ADDRESS UNLESS YOU ARE RELIEVED OF THE REGISTRATION REQUIREMENT.. IT IS YOUR RESPONSIBILITY TO UNDERSTAND AND OBEY THE LAW.

Exhibits D

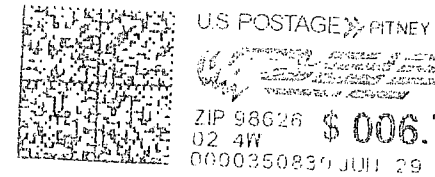
A. OREGON STATE:

- (i) Indictment;
- (ii) Petition to Enter Plea of Guilty;
- (iii) Change of Plea and Order For presentence Investigation;
- (iv) Judgment of Conviction And Sentence;
- (v) Probation Violation Judgments and Orders; each separate from Years 1992, 1993, ~~1994~~ 1995, 2000, and 2002; and
- (vi) Addendum to Judgment - Special Probation Conditions - Sex Offender Package;

ALL in re CASE NO. 900202;
TOTALING 18 Pages

EXHIBIT D

COWLITZ COUNTY
OFFICE OF PUBLIC DEFENSE
1801 1st Avenue, Suite 1A
Longview, WA 98632



SCCC
JUL 02 2018
MAIL SERVICES

Bradley Lewis Reynolds
DOC #947739
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Legal Mail FB-07



COWLITZ COUNTY OFFICE OF PUBLIC DEFENSE

Thad Scudder, Director

Staff Attorneys

1801 1ST Avenue, Suite 1A
Longview, WA 98632
TEL (360) 578-7430
FAX (360) 578-7431

Charles Angelico
Simmie Baer
Kelly Buschman
John Chambers
Ted DeBray
Shoshanah Epstein

Patricia Fassett
Elizabeth Hall
Ian Maher
Necole Michael
Richard Suryan
Patricia VanRollins

June 27, 2018

Bradley L. Reynolds
DCO # 947739
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Dear Mr. Reynolds:

I am in receipt of your letter requesting your file. I have reviewed your file and I am providing you the entire file. In addition, have also copied documents from the court file that were not in your client file. I have retained copies of all documents. I hope that this is helpful. Thank you for your attention to this matter.

Sincerely,

Thad Scudder
Director

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR CLACKAMAS COUNTY

THE STATE OF OREGON,)
Plaintiff,) INDICTMENT
vs.) No. 90-262
BRADLEY LEWIS REYNOLDS,)
Defendant.) ORS 163.365, 471.410,
471.410

The above-named defendant is accused by the Grand Jury of the County of Clackamas, State of Oregon, by this indictment of the crime of RAPE IN THE SECOND DEGREE, FURNISHING ALCOHOL TO A PERSON UNDER TWENTY-ONE YEARS OF AGE and FURNISHING ALCOHOL TO A PERSON UNDER TWENTY-ONE YEARS OF AGE committed as follows:

COUNT I

The said defendant on or between March 25, 1989 and March 26, 1989, in the County of Clackamas, State of Oregon, then and there being, did then and there unlawfully and knowingly engage in sexual intercourse with Candy M. Carter, a female under the age of fourteen years, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

COUNT II

And as part of the same act and transaction, the said defendant, on or between March 25, 1989 and March 26, 1989, in the County of Clackamas, State of Oregon, then and there being, did then and there unlawfully and knowingly give and make available alcoholic liquor to a person under the age of 21 years, to-wit: to Candy M. Carter, the defendant not then being the parent or guardian of the said Candy M. Carter, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

COUNT III

And as part of the same act and transaction, the said defendant, on or between March 25, 1989 and March 26, 1989, in the County of Clackamas, State of Oregon, then and there being, did then and there unlawfully and knowingly give and make available alcoholic liquor to a person under the age of 21 years, to-wit: to Michelle Hatcher, the defendant not then being the parent or guardian of the said Michelle Hatcher, said act of defendant being contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Dated this 13th day of March, 1990.

A TRUE BILL

[Signature]
Foreman of the Grand Jury

JAMES W. O'LEARY
District Attorney

By *[Signature]* Deputy

Witnesses examined before the
Grand Jury:
Gerald Gustavson
Candy M. Carter
Sheila Boren
Michelle Hatcher

NCTICE: Where this accusatory instrument charges one or more misdemeanor crimes, the district attorney hereby declares that the state intends that said offense(s) proceed as a misdemeanor(s).

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR CLACKAMAS COUNTY

STATE OF OREGON
Plaintiff.

vs.

BRADLEY LEWIS REYNOLDS
Defendant

C 90-262

PETITION TO ENTER PLEA OF GUILTY

The defendant represents to the Court:

1. My full true name is: BRADLEY LEWIS REYNOLDS
and I am also known as: N/A
and I request that all proceedings against me be had in my true name.
2. I am represented by a lawyer; his name is Wm. David Falls
3. I wish to plead GUILTY to the charge(s) of Rape in the Third Degree
(ORS 163.355)
4. I told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed on all such matters. My lawyer has counselled and advised me on the nature of each charge; on any and all lesser included charges; and on all possible defenses that I might have in this case.
5. I understand that I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me (a) the right to a speedy and public trial by jury, (b) the right to see, hear and face in open court all witnesses called to testify against me, (c) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor, and (d) the right to have the assistance of a lawyer at all stages of the proceedings, and (e) also the right to take the witness stand at my sole option; and, if I do not take the witness stand, I understand the jury will be told that this may not be held against me.
6. I also understand that if I plead "GUILTY" the Court may impose the same punishment as if I had pled "Not Guilty", stood trial and been convicted.
7. I know that if I plead "GUILTY" to this charge (these charges), the maximum possible sentence is 5 years imprisonment and/or a fine of \$ 100,000. I know also that the sentence is up to the Court. The District Attorney will take no part other than providing to the Court, Police Reports and other factual information as requested by the Court; and the District Attorney shall make no recommendations to the Courts concerning my sentence except as follows: suspended sentence; PSI - 5 years probation; District Attorney to reserve options pending completion of PSI.
8. I have ☒ have not ☐ been convicted of one or more felonies in the past, as follows: Burglary II, Theft II, Unauthorized Use of Vehicle.
9. I am ☒ am not ☐ presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of _____ years in that case. I further understand that if my parole or probation is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.
10. I also know that the law provides for an increase in the maximum sentence described in Paragraph 7 to a maximum of 30 years if I qualify as a dangerous offender. I understand that this may happen in this case ☐. If not applicable, check ☒.
11. I am 19 years of age. I have gone to school up to and including 8th grade; my physical and mental health is presently satisfactory. At this time I am not under the influence of any drugs or intoxicants (nor was I at the time the crime was committed), except: We had consumed some amount of beer.

PETITION TO ENTER PLEA

CCP-CCT9

DISTRIBUTION

White	Original file copy
Yellow	DA copy
Pink	Defendant copy

12. I declare that no officer or agent of any branch of government (Federal, State or local) has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY", except: Dismissal of other charges.

13. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME: I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the Court.

14. I plead "GUILTY" and request the Court to accept my plea of "GUILTY" and to have entered my plea of "GUILTY" on the basis of March 25, 1989, sexual intercourse with Candy M. Carter, whom I later learned was under 16 years of age.

15. I OFFER MY PLEA OF "GUILTY" FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION, AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

16. I further state that I wish to waive the reading of the indictment or information in open Court. I request the Court to enter my plea of "GUILTY" as set forth in Paragraph 14.

17. This is to advise you if you are not a citizen of the United States, conviction of a crime may result in deportation, exclusion from admission to the U.S.A. or denial of naturalization.

Signed by me in the presence of my attorney this 28th day of September, 1990.

Address _____

[Signature]
Defendant

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counsellor for the above defendant hereby certifies:

1. I have read and fully explained to the defendant the allegations contained in the indictment in this case, all lesser included charges and all possible defenses the defendant may have in this case.
2. To the best of my knowledge and belief the statements, representations and declarations made by the defendant in the foregoing petition are in all respects accurate and true.
3. I have explained the maximum penalty for each count to the defendant, and consider him competent to understand the charges against him and the effect of his petition to enter a plea of guilty.
4. The plea of "GUILTY" offered by the defendant in paragraph 7 accords with my understanding of the facts he related to me and is consistent with my advice to the defendant.
5. In my opinion the plea of "GUILTY" as offered by the defendant in paragraph 7 of the petition is voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY".
6. Having discussed this matter carefully with the defendant, I am satisfied, and I hereby certify, in my opinion, that he is mentally and physically competent: there is no mental or physical condition which would affect his understanding of these proceedings; further, I state that I have no reason to believe that he is presently operating under the influence of drugs or intoxicants. (Any exceptions to this should be stated by counsel on the record.)

Signed by me in the presence of the defendant above named and after full discussion of the contents of this certificate with the defendant, this 28th day of September, 1990.

[Signature]
Attorney for the Defendant

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

10-10

STATE OF OREGON,)
Plaintiff.) No. 90-262
vs-)
BRADLEY LEWIS REYNOLDS.)
Defendant.)
CHANGE OF PLEA and ORDER
FOR PRESENTENCE INVESTIGATION

This matter coming on to be heard on September 25,
1990, before the HONORABLE CHARLES A. SAMS, State of Oregon
appearing by Michele A. DesHaisay, Deputy District Attorney,
defendant appearing in person and with counsel, David Falls, and
it appearing to the Court that defendant previously entered a
plea of NOT GUILTY to the accusatory instrument charging the
crime of RAPE IN THE SECOND DEGREE Count I, FURNISHING ALCOHOL TO
A PERSON UNDER TWENTY ONE YEARS OF AGE Count II and FURNISHING
ALCOHOL TO A PERSON UNDER TWENTY ONE YEARS OF AGE Count III.

At this time defendant withdrew the plea of NOT GUILTY
previously entered and entered a plea of GUILTY to RAPE IN THE
THIRD DEGREE a lesser included of Count I and the Court being
fully advised:

THE COURT FINDS the entry of plea was freely and
voluntarily made and that there exists a factual basis upon which
to enter the plea.

IT IS HEREBY ORDERED that defendant's plea of GUILTY be
entered of record.

1 - CHG OF PLEA/PSI

Page

JAMES W. O'LEARY #65090
Clackamas County District Attorney
7 Clackamas County Courthouse
Oregon City, OR 97045
(503) 655-8431

1 IT IS FURTHER ORDERED that the Corrections
2 Division/Clackamas County Community Corrections conduct a
3 presentence investigation and submit a report of same to the
4 Court.

5 IT IS FURTHER ORDERED that this matter be continued to
6 November 9, 1990 at 10:00 a.m. for sentencing.

7 DATED: October 5, 1990
8

9 Charles A. Sams
10 CHARLES A. SAMS, JUDGE

11 Submitted by:
12 CLACKAMAS COUNTY
13 DISTRICT ATTORNEY'S OFFICE
14 Michele A. DesBrisay, #84205
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26 2 - CHG OF PLEA/FBI

Page

JAMES W. O'LEARY #65090
Clackamas County District Attorney
7 Clackamas County Courthouse
Oregon City, OR 97045
(503) 655-8431

Walt
Donny

IN THE JUDICIAL COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON

JUDGMENT ENTERED

CASE # 90-262

11-13

3000 Bradley Lewis Reynolds
Defendant

JUDGMENT OF CONVICTION AND SENTENCE

1. Hearing Date November 9, 1990 Reporter/Tape No. _____
2. District Attorney: S. Dennis Miller OSB# 70098
3. Defense Attorney: David Fall OSB# 84131
☐ Defendant is unrepresented and knowingly waived counsel.
4. Defendant is convicted of the following offenses:

Count	Offense	Plea	Verdict/Result
<u>I</u>	<u>Rape 3</u>	<u>guilty</u>	<u>guilty</u>
	<u>lesser included</u>		

☐ Defendant waived 48 hours delay before sentencing. ☒ Advised of Appeal Rights.
☒ Defendant has the present and future ability to pay financial obligations herein.

Count I

5. Sentence:
☐ Addendum attached for other counts
☐ Concurrent with _____
☐ Consecutive to _____
☐ Imposition of sentence continued

6. Custody:
☒ 5 years Department of Corrections
☐ Execution suspended
☐ Executed immediately
☐ Defendant waived 48 hr. waiting period for transport
☒ 30 months minimum before release
☐ _____ months Gun minimum
☐ _____ years Dangerous Offender
☐ Fact findings on attached addendum

☒ 12 months jail
☐ Execution suspended
☒ Executed immediately
☒ As a condition of probation
☐ Beginning at _____ m. on _____, 19____
☐ Eligible for: ☐ work release ☐ electronic surveillance

7. Fine: \$ _____ Suspended \$ _____ Due \$ _____

8. Assessments:
☒ Pay all statutory assessments (to be calculated by the Trial Court Administrator)
☐ DUI conviction fee ☐ DWS assessment
☒ Attorney fees \$ 500

9. Probation: 60 months; _____ court ☒ Corrections
☒ All general conditions
☒ Obey all laws and court orders
☒ Pay fines, fees, costs, assessments, restitution, as set forth in the money judgment section of this order
☐ _____ hours Community service within _____ months
☐ Includes attached and incorporated addendum:
☐ drug package
☐ alcohol package
☐ sex offender package

10. ☐ Discharge

11. ☒ Counts dismissed 2 + 3 Cases dismissed _____

12. ☐ Driving privileges suspended / revoked for _____ years

13. ☐ Other: _____

NEY JUDGMENT (Total all count

Judgment Creditor: State of Oregon

CASE # 90-262

Judgment Debtor: Bradley Lewis Reynolds

Name and address of persons to whom court disburses restitution or compensatory fines: (may be payee's designatee).

1. Gandy Mae Carter
19822 5 Jessie
Oregon City Or 97045
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Judgment Amount Detail (all counts)

	Imposed	Suspended	Due
Fine	\$ _____	\$ _____	\$ _____
Victims Assessment (CIC)	\$ <u>50</u>	_____	\$ <u>50</u>
BPST Assessment (BPAS)	_____	_____	_____
County Assessment (CJAS)	_____	_____	_____
DWS Assessment (MVRA)	_____	_____	_____
Attorney fees (ATFE)	<u>500</u>	_____	<u>500</u>
Extradition costs	_____	_____	_____
DUII conviction fee	_____	_____	_____
Other costs	_____	_____	_____
Other costs	_____	_____	_____
Compensatory fine ("C") / Restitution ("R") (see above)	\$ <u>4,044.47</u>	_____	<u>4,044.47</u>
1. <input checked="" type="checkbox"/> R	_____	_____	_____
2. <input type="checkbox"/>	_____	_____	_____
3. <input type="checkbox"/>	_____	_____	_____
4. <input type="checkbox"/>	_____	_____	_____
5. <input type="checkbox"/>	_____	_____	_____
6. <input type="checkbox"/>	_____	_____	_____
7. <input type="checkbox"/>	_____	_____	_____
8. <input type="checkbox"/>	_____	_____	_____
9. <input type="checkbox"/>	_____	_____	_____
10. <input type="checkbox"/>	_____	_____	_____
11. <input type="checkbox"/>	_____	_____	_____
12. <input type="checkbox"/>	_____	_____	_____

TOTAL DUE \$ 4,594.47

Terms of payment:

- ☐ Immediately due
- ☒ Payable per probation officer schedule; or
- ☐ At \$ _____ per month, beginning on _____, 19 _____
- ☐ Bail or security is applied
- ☐ Restitution joint and several with _____
- in Case No. _____
- ☐ Other _____

If all or part of any of monetary obligation is suspended it is shown above.

Date of Judgment: Nov 9, 1990

Charles A. Sans
Circuit/District Judge

exhibit
8-19

IN THE CIRCUIT/DISTRICT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

92 AUG 18 12:46

STATE OF OREGON,

Plaintiff,

vs.

Reynolds, Bradley L.
Defendant,

Case No. 90-262

PROBATION VIOLATION
JUDGMENT AND ORDER

1. Hearing Date: Aug. 17, 1992 Reporter/Tape No. Bobbi Beumann

2. Dis Atty / OSB #: Terry Gustafson 81238 Def Atty / OSB #: _____
Defendant is unrepresented and knowingly waived counsel.

3. Original Conviction(s), County Numbers and Names: _____

4. Hearing:

- ☒ Defendant stipulated to violating probation.
☐ A contested hearing was held and defendant is
_____ found in willful violation of the terms of probation.
_____ found not to be in willful violation of the terms of probation

5. Disposition:

- ☒ Probation is continued subject to the conditions previously imposed.
_____ The following conditions are added to defendant's probation:

Def to serve 30 days CTS and
pay \$250 adn. fees.
_____ The probation is extended for a period of _____ years

- _____ The probation is revoked, and
_____ The suspended sentence of _____ months to the Department of Corrections is hereby executed and imposed.
_____ The defendant is sentenced as follows:

Post prison supervision is: _____
and if the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guideline Board.

- _____ Probation is terminated
_____ Other Orders:

NOTE: If money judgment language is needed, use the appropriate page from the sentencing guidelines forms, number the bottom of each page accordingly, and sign on the money judgment page.

DATED this 17th day of August, 1992

Page 1 OF 2

Therle A. Jones
CIRCUIT/DISTRICT COURT JUDGE

ONEY JUDGMENT (Total all counts)

Judgment Creditor: State of Oregon

CASE # 90-262

Judgment Debtor: Reynolds, Bradley L.

Name and address of persons to whom court disburses restitution or compensatory fines: (may be payee's designee).

1. _____	5. _____	9. _____
_____	_____	_____
_____	_____	_____
2. _____	6. _____	10. _____
_____	_____	_____
_____	_____	_____
3. _____	7. _____	11. _____
_____	_____	_____
_____	_____	_____
4. _____	8. _____	12. _____
_____	_____	_____
_____	_____	_____

Judgment Amount Detail (all counts)

	Imposed	Suspended	Due
Fine	\$ _____	\$ _____	\$ _____
Victims Assessment (CIC)	_____	_____	_____
BPST Assessment (BPAS)	_____	_____	_____
County Assessment (CJAS)	_____	_____	_____
DWS Assessment (MVRA)	_____	_____	_____
Attorney fees (ATFE)	<u>250</u>	_____	<u>250</u>
Extradition costs	_____	_____	_____
DUII conviction fee	_____	_____	_____
Other costs	_____	_____	_____
Other costs	_____	_____	_____

Compensatory fine ("C") / Restitution ("R") (see above)

1. <input type="checkbox"/>	_____	_____	_____
2. <input type="checkbox"/>	_____	_____	_____
3. <input type="checkbox"/>	_____	_____	_____
4. <input type="checkbox"/>	_____	_____	_____
5. <input type="checkbox"/>	_____	_____	_____
6. <input type="checkbox"/>	_____	_____	_____
7. <input type="checkbox"/>	_____	_____	_____
8. <input type="checkbox"/>	_____	_____	_____
9. <input type="checkbox"/>	_____	_____	_____
10. <input type="checkbox"/>	_____	_____	_____
11. <input type="checkbox"/>	_____	_____	_____
12. <input type="checkbox"/>	_____	_____	_____

TOTAL DUE \$ 250

Terms of payment:

- ☐ Immediately due
- ☐ Payable per probation officer schedule; or
- ☐ At \$ _____ per month, beginning on _____ 19 _____
- ☐ Bail or security is applied
- ☐ Restitution joint and several with _____
- in Case No. _____
- ☐ Other _____

If all or part of any of monetary obligation is suspended it is shown above.

Date of Judgment: Aug. 17 19 92

Paul L. Finn

Circuit/District Judge

IN THE CIRCUIT/DISTRICT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON
FILED:

STATE OF OREGON,

Plaintiff,

vs.

Bradley Lewis Reynolds
Defendant.

Case No. 90-262

93 MAR -9 PM 2:39

FILED: 3-10-93 BY ML

PROBATION VIOLATION
JUDGMENT AND ORDER

1. Hearing Date: 3-9-93 Reporter/Tape No. J. Crawford
2. Dis Atty / OSR #: Terry Gustafson 81238 Def Atty / OSB #: Brad Jonasson
Defendant is unrepresented and knowingly waived counsel.
3. Original Conviction(s), County Numbers and Names: Rape 30 90-262
4. Hearing:
☒ Defendant stipulated to violating probation.
☒ A contested hearing was held and defendant is
☒ found in wilful violation of the terms of probation.
☐ found not to be in wilful violation of the terms of probation.
5. Disposition:
☒ Probation is continued subject to the conditions previously imposed.
☐ The following conditions are added to defendant's probation:

☐ The probation is extended for a period of _____ years.
☐ The probation is revoked, and
☐ The suspended sentence of _____ months to the Department of Corrections is hereby executed and imposed.
☐ The defendant is sentenced as follows:

Post prison supervision is: _____
and if the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guideline Board.
☐ Probation is terminated
☐ Other Orders:

NOTE: If money judgment language is needed, use the appropriate page from the sentencing guidelines forms, number the bottom of each page accordingly, and sign on the money judgment page.

DATED this 9 day of March, 19 93

Page 1 OF 1

Robert W. Hilary
CIRCUIT/DISTRICT COURT JUDGE

DISTRIBUTION: White - Court Canary - Defendant Pink - District Attorney Goldenrod - Corrections

CCP-OC14 - Rev 3 921

10/19/95

IN THE CIRCUIT/DISTRICT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON
CLACKAMAS COUNTY COURT

95 MAY -8 AM 10:34

STATE OF OREGON,

Plaintiff,

vs.

Case No. 90-262 MAY 12 1995 BY 140

Branley Lewis Reynolds
Defendant.

PROBATION VIOLATION
JUDGMENT AND ORDER

1. Hearing Date: 5/5/95 Reporter/Tape No. Jane Crawford
2. Dis Atty / OSB #: Scott Jackson 94055 Def Atty / OSB #: James Bennett 75043
Defendant is unrepresented and knowingly waived counsel.
3. Original Conviction(s), County Numbers and Names: Rape III (90-262)
4. Hearing:
☒ Defendant stipulated to violating probation.
☐ A contested hearing was held and defendant is
☐ found in wilful violation of the terms of probation.
☐ found not to be in wilful violation of the terms of probation.
5. Disposition:
☒ Probation is continued subject to the conditions previously imposed.
☒ The following conditions are added to defendant's probation:
add 255 & 260 fees
☒ The probation is extended for a period of one years.
☐ The probation is revoked, and
☐ The suspended sentence of _____ months to the Department of Corrections is hereby executed and imposed.
☐ The defendant is sentenced as follows:

Post prison supervision is:

and if the defendant violates the conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the State Sentencing Guideline Board.
☐ Defendant waived 48-hour waiting period for transport to Department of Corrections
☐ Probation is terminated
☐ Other Orders:

NOTE: If money judgment language is needed, use the appropriate page from the sentencing guidelines forms, number the bottom of each page accordingly, and sign on the money judgment page.

DATED this 5 day of May, 1995

Page 1 OF 2

[Signature]
CIRCUIT/DISTRICT COURT JUDGE

DISTRIBUTION: White - Court Canary - Defendant Pink - District Attorney Goldenrod - Corrections

CCP-OC14 (Rev. 1/92)

MONEY JUDGMENT (Total all counts)

Judgment Creditor: State of Oregon

CASE # 90-262

Judgment Debtor: Bendley Lewis Reynolds

Name and address of persons to whom court disburses restitution or compensatory fines: (may be payee's designee).

1. _____	4. _____	7. _____
_____	_____	_____
2. _____	5. _____	8. _____
_____	_____	_____
3. _____	6. _____	9. _____
_____	_____	_____

Judgment Amount Detail (all counts)

Assessments: Cases Filed Before July 1, 1992

	Imposed	Suspended	Due
Victim's Assessment (VIC)	\$ _____	\$ _____	\$ _____
BPST Assessment (BPAS)	_____	_____	_____
DWS Assessment (MVRA)	_____	_____	_____
County Assessment (CJAS)	_____	_____	_____
County Assessment (LEML)	_____	_____	_____

Assessments: Cases Filed After July 1, 1992

Unitary Assessment (UNAS)	\$ _____	_____	_____
County Assessment (CJAS)	_____	_____	_____
County Assessment (LEML)	_____	_____	_____

Fine	\$ _____	\$ _____	\$ <u>255⁰⁰</u>
Attorney fees (ATFE)	<u>255⁰⁰</u>	_____	<u>255⁰⁰</u>
Extradition costs	_____	_____	_____
DUII conviction fee	_____	_____	_____
Other costs	_____	_____	_____
Other costs	_____	_____	_____
Compensatory fine ("C") / Restitution ("R") (see above)	_____	_____	_____
1. <input type="checkbox"/>	_____	_____	_____
2. <input type="checkbox"/>	_____	_____	_____
3. <input type="checkbox"/>	_____	_____	_____
4. <input type="checkbox"/>	_____	_____	_____
5. <input type="checkbox"/>	_____	_____	_____
6. <input type="checkbox"/>	_____	_____	_____
7. <input type="checkbox"/>	_____	_____	_____
8. <input type="checkbox"/>	_____	_____	_____
9. <input type="checkbox"/>	_____	_____	_____

TOTAL DUE \$ 255⁰⁰

Terms of payment:

- ☐ Immediately due
- ☒ Payable per probation officer schedule; or
- ☐ At \$ _____ per month, beginning on _____, 19____
- ☐ Bail or security is applied
- ☐ Restitution joint and several with _____
- in Case No. _____
- ☐ Other _____

If all or part of any of monetary obligation is suspended it is shown above.

Date of Judgment: 5-5 1995

Robert L. Hilson
Circuit/District Judge

Page 2 of 2

STATE OF OREGON.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

Plaintiff

JUDGMENT ENTERED No. 9C-0262

vs.

Reynolds, Bradley Lewis
Defendant,

PROBATION VIOLATION
JUDGMENT AND ORDER 10-2000

1. Hearing Date:	<u>7-30-00</u>	Report/Tape No. <u>J. Crawford</u>	By: <u>LW</u>
2. Prosecutor/OSB	<u>Scott Haly</u>	Defense Counsel/OSB	<u>Brad Soman</u>
<input type="checkbox"/> Defendant is unrepresented and knowingly waived counsel.			
3. Defendant is on probation for conviction(s) of <u>rape III</u>			
4. Defendant failed to appear. A bench warrant will issue in the amount of \$ _____			
5. Hearing:			
<input type="checkbox"/> Probation violation hearing is hereby continued to: _____			
<input checked="" type="checkbox"/> Defendant stipulated to a probation violation.			
<input type="checkbox"/> A contested hearing was held and defendant is			
<input type="checkbox"/> found in willful violation of the terms of probation.			
<input type="checkbox"/> found not to be in willful violation of the terms of probation.			
6. Disposition:			
<input checked="" type="checkbox"/> Probation is continued subject to the same conditions previously imposed.			
<input checked="" type="checkbox"/> The following conditions are added to the defendant terms of probation:			
<u>live where R.C. permits</u>			
<input checked="" type="checkbox"/> Probation is extended for a period of <u>one</u> year from <u>to day in 7-3-2001</u> .			
<input type="checkbox"/> Probation is revoked.			
<input type="checkbox"/> Sentencing having been previously continued, a sentence of _____ days in the county jail is imposed.			
<input type="checkbox"/> The previously suspended sentence is executed and the defendant is sentenced to: _____ days in the county jail.			
<input type="checkbox"/> The defendant shall be given credit for time served against the jail sentence imposed above.			
<input type="checkbox"/> The defendant is sentenced to _____ months in the custody of the Clackamas County Supervisory Authority, followed by _____ years post-prison supervision. If the defendant violates conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the Sentencing Guidelines Board.			
<input type="checkbox"/> Defendant may be considered by the executing or releasing authority or by the Clackamas County Supervising Authority for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible.			
<input type="checkbox"/> Defendant is ineligible for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release for substantial and compelling reasons as stated on the record in open court.			
<input type="checkbox"/> Defendant is eligible for earned time credit under ORS 169.110 only.			
<input checked="" type="checkbox"/> Defendant is sentenced as follows:			
<u>Add 150 days to term</u>			
<u>Rept to R.C. personally by 5 pm 7-7-2000</u>			
<input type="checkbox"/> Defendant waived 48-hour waiting period for transport to Department of Corrections.			
<input type="checkbox"/> Probation is terminated. <input type="checkbox"/> Probation violation dismissed.			
7. Other orders:			
<u>the 48-hour waiting period is waived if accompanied by R.C.</u>			
JUDGEMENT CREDITOR: State of Oregon.			
JUDGEMENT DEBTOR: The defendant named above.			
Judgement amount detail (all counts): \$ <u>50.00</u> to reimburse the state for attorney fees.			
<input type="checkbox"/> Immediately due. <input type="checkbox"/> To be paid at \$ _____ per month commencing _____			
<input type="checkbox"/> Bail or security is applied.			
DATED this <u>3</u> day of <u>July</u> <u>2000</u>			
<u>Robert W. Healy</u> CIRCUIT JUDGE			

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE OF OREGON,

Plaintiff

vs.

Reynolds, Bradley Lewis
Defendant,

03 APR 16 AM 9:05

Case No. 99-0262

PROBATION VIOLATION
JUDGEMENT AND ORDER

1. Hearing Date: 11-16-02 Reporter/Tape No. 021106-1311
2. Prosecutor/OSB Burke 1 95 2 5 6 Defense Counsel/OSB Mark Lyons
☐ Defendant is unrepresented and knowingly waived counsel.
3. Defendant is on probation for conviction(s) of: rape #
4. Defendant failed to appear. A bench warrant will issue in the amount of \$ _____
5. Hearing:
☐ Probation violation hearing is hereby continued to: _____
☐ Defendant stipulated to a probation violation.
☐ A contested hearing was held and defendant is
☐ found in willful violation of the terms of probation.
☐ found not to be in willful violation of the terms of probation.
6. Disposition:
☐ Probation is continued subject to the same conditions previously imposed.
☐ The following conditions are added to the defendant terms of probation: _____
☐ Probation is extended for a period of _____ years.
☐ Probation is revoked.
☐ Sentencing having been previously continued, a sentence of _____ days in the county jail is imposed.
☐ The previously suspended sentence is executed and the defendant is sentenced to _____ days in the county jail.
☐ The defendant shall be given credit for time served against the jail sentence imposed above.
☐ The defendant is sentenced to _____ months in the custody of the Clackamas County Supervisory Authority, followed by _____ years post-prison supervision. If the defendant violates conditions of post-prison supervision, the defendant shall be subject to sanctions including the possibility of additional imprisonment in accordance with rules of the Sentencing Guidelines Board.
☐ Defendant may be considered by the executing or releasing authority or by the Clackamas County Supervising Authority for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release authorized by law for which the defendant is otherwise eligible.
☐ Defendant is ineligible for any form of temporary leave from custody, reduction in sentence, work release, alternative incarceration program or program of conditional or supervised release for substantial and compelling reasons as stated on the record in open court.
☐ Defendant is eligible for earned time credit under ORS 169.110 only.
☐ Defendant is sentenced as follows: _____
☐ Defendant waived 48-hour waiting period for transport to Department of Corrections.
☐ Probation is terminated. ☒ Probation violation dismissed.

7. Other orders:

Probation has expired

MONEY JUDGEMENT

JUDGEMENT CREDITOR: State of Oregon.

JUDGEMENT DEBTOR: The defendant named above.

Judgement amount detail (all amounts): \$150,000.00 to reimburse the state for attorney fees.

☐ Immediately due. ☐ To be paid at \$ _____ per month commencing _____

☐ Bail or security is applied.

DATED this 6th day of NOV. 2002

ADDENDUM TO JUDGMENT
SPECIAL PROBATION CONDITIONS - SEX OFFENDER PACKAGE

1. Defendant shall have no contact with any female/male under the age of 18, until authorized by probation officer
2. Defendant shall consent to and cooperate with polygraphic examinations and penile plethysmographic assessments when deemed necessary by therapists and/or probation officer
3. Defendant shall be financially responsible for all counseling costs incurred by the victim(s).
4. Defendant shall consent to the sharing of privileged assessment and treatment information between public and private agencies, agents, and persons who are deemed essential in assessing, monitoring, and mediating treatment for sexual deviancy problems.
5. Defendant shall not possess at any time any type of pornography including written, pictures, video tapes, or audio tapes.
6. Defendant shall enter and complete a sexual offender treatment program as directed by probation officer
7. Defendant shall consent to, and cooperate with, any plan deemed necessary by probation officer and/or therapists to maintain and monitor offense-free behavior for the duration of the probation.
8. Defendant shall not be involved in any organizations which would place him in direct contact with children, i.e. Boy Scouts, Girl Scouts, 4-H, Big Brother or Big Sister programs, Sunday School teaching, etc.
9. Defendant shall not frequent or visit places that exist primarily for the enjoyment of children, i.e. circuses, playgrounds, arcades, amusement parks, zoos, etc.
10. Defendant shall register as a sex offender pursuant to Oregon Revised Statutes.
11. Defendant shall submit to blood testing for DNA purposes.
12. Defendant shall submit to HIV testing with release of information to the victim

CPS-OC11g (Rev. 9/97)

EXHIBIT E

(i) COWLITZ SUPERIOR COURT, WA.
IN RE CAUSE NO. 17-1-01348-08 -
TRANSCRIPTS; Sixty Pages (62 pages)

EXHIBIT E

FILED
Court of Appeals
Division II
State of Washington
7/24/2018 4:35 PM

COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ

STATE OF WASHINGTON,)	
)	
Plaintiff,)	
)	
vs.)	No. 17-1-01348-08
)	
BRADLEY REYNOLDS,)	Appeal No. 51630-6-II
)	
Defendant.)	
)	

NONJURY TRIAL; JANUARY 26, 2018; HONORABLE ANNE M. CRUSER
MOTION HEARING; FEBRUARY 21, 2018; HONORABLE S.M. WARNING
SENTENCING; MARCH 7, 2018; HONORABLE STEPHEN M. WARNING

APPEARANCES:

For the State: SEAN BRITTAIN
Deputy Prosecuting Attorney

For the Defendant: JOSHUA BALDWIN
Attorney at Law

PREPARED BY: R.V. WILSON
Wilson Transcription Services
(425) 391-4218
rosievwilson@yahoo.com

I N D E X

WITNESSES: DIRECT CROSS REDIRECT RECROSS

(None Offered)

* * *

EXHIBITS FOR IDENTIFICATION MARKED RECEIVED

(None Offered)

* * *

PROCEEDINGS PAGE

PROCEEDINGS HELD ON JANUARY 26, 2018	3
PROCEEDINGS HELD ON FEBRUARY 21, 2018	42
PROCEEDINGS HELD ON MARCH 7, 2018	46

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P R O C E E D I N G S

JANUARY 26, 2018

THE COURT: Are the parties ready today?

MR. BRITTAIN: Actually, no, your Honor, we're going to be asking for a continuance in this matter.

THE COURT: Okay. Let me get on the record first. Oh, I guess what I should have said is let me log in and get on the record.

All right. So we're here on State versus Bradley Reynolds. This is the time set for the nonjury trial.

So, Mr. Brittain, I understand you have a motion.

MR. BRITTAIN: Yes, your Honor, we are actually moving to continue this matter. About 4 o'clock yesterday I received a copy of the defendant's -- what he thinks is a motion in limine but was actually a motion to dismiss given that he's attacking the due-process requirements of the defendant's basically notice that he had a duty to register.

At this point I had approximately an hour and a half to respond to this motion, and at this point we're just simply not prepared to respond to the defendant's argument. This is way beyond sufficient notice of his motion.

THE COURT: So, okay, let me just go over my

1 thoughts on this. I did receive it and I instantly
2 recognized it as not a motion in limine as it was
3 titled. It's clearly a Knapstad motion or CRA .3, but
4 I will tell you that -- a couple things. First of all,
5 the motion itself is not clear to me what the arguments
6 are. So rather than grant the motion to continue at
7 this time, I'd like to start talking about the motion
8 and see if we can come to some idea of what the
9 parameters for today or for what this trial are going
10 to be because it could be that we can resolve some of
11 those without you needing to brief it. So that's what
12 I'd like to do is to reserve at this time on your
13 motion. Okay?

14 So what I'm going to start with -- so again here to
15 the extent that this is a Knapstad motion, it's not
16 timely, but I want to make sure that I even understand
17 what's being suggested here. So it says the first
18 issue is: A substantial issue in the present case is
19 whether the rulings by Judge Warnings are controlling
20 on this court. So -- I'm sorry, do you need something?

21 FEMALE: Yes, this just came in.

22 THE COURT: Thank you. And this is -- oh, this is
23 just a hardcopy. All right. I've printed it out, so.

24 MR. BALDWIN: Your Honor, may I respond to the other
25 motion and at least try and explain by my point in the

1 filing of it and see if that helps.

2 THE COURT: Sure, why don't you start with that.

3 MR. BALDWIN: Thank you very much, your Honor.

4 Procedurally, prior to the readiness hearing last
5 week, I had been in contact with the deputy assigned on
6 the case and was initially under the impression it
7 would be continued to try and work through some of the
8 historical issues, specifically what the result was in
9 the 2016 cause that went to trial in -- or had
10 stipulated facts trial in June and July of 2017.

11 The State called it ready for trial and they were
12 aware that I would likely be filing some documentation
13 but having expected it to be continued, it hadn't been
14 filed prior to the readiness hearing.

15 There are a couple of issues that I was trying to
16 provide the court information about, and I'll be
17 perfectly blunt. This went through various
18 permutations as a motion to dismiss, a motion in
19 limine, a trial aid trying to give the court the
20 information that I thought I had.

21 The question there about whether or not any prior
22 rulings are controlling comes from conversations with
23 Mr. Brittain. In Mr. Reynolds' 2016 cause number case,
24 the motion that I attached from Ms. Baer was argued,
25 briefed by both sides, and certain oral rulings were

1 made regarding comparability of the Oregon case, the
2 validity of certain prior Washington convictions, and a
3 ruling as to when Judge Warning believed Mr. Reynolds
4 had notice of the requirement to register out of
5 Oregon.

6 There appeared to be a disconnect between the State
7 and I as to whether or not that was by way of issue,
8 conclusion, or anything else controlling on this court.
9 I didn't necessarily take the position it was in part
10 because a portion of Judge Warnings' ruling we don't
11 agree with and intended to argue against. So I wanted
12 to make sure the court was aware that there was a prior
13 cause number and this same issue was addressed in part
14 in front of Judge Warning. That was part of the basis
15 of attaching Ms. Baer's motion. Also, because I
16 thought it was a concise statement of the law that I
17 would be addressing at the culmination of the case on
18 my position the State has filed to prove their case.

19 So I wanted to make sure the court had all the
20 information in what I thought was the best way
21 possible, and I do apologize for the lack of clear
22 focus as a result of the different versions that I went
23 through to try and provide it to the court.

24 As to -- I guess I'll stop there. If there is any
25 specific question that the court has for me about my

1 intention or --

2 THE COURT: Well, I mean, we can dispense with that
3 very quickly. So Superior Courts are not Appellate
4 Courts. Superior Court stand equal to one another.
5 There's no authority for the idea that one Superior
6 Court judge anywhere in the State binds another
7 Superior Court judge by ruling on a case when that
8 second Superior Court judge is ruling in an entirely
9 different case.

10 I mean, there's no -- obviously, the case is not --
11 you know, this is an entirely different case, so issue
12 of preclusion and things of that nature just don't come
13 into play, you know. It would have to be an Appellate
14 Court ruling to be binding on this court, so. I don't
15 even know anything about that old case, so. And I'm
16 not going to go back and review the minutes.

17 You know, the issue here, as I understand it, is --
18 on the one hand, this can be read as a Knapstad motion.
19 On the other hand, it can be read as a closing argument
20 and on jury trial. I mean, you're saying the State
21 isn't going to be able to prove if the rape three it
22 comparable, but the problem is is that you went through
23 all this, you didn't actually do a comparability
24 analysis. I mean, it's the State's burden to prove
25 comparability, but you raised it in this motion and

1 then you didn't do a comparability analysis, so is
2 there no case law that's ruled on whether rape three
3 out of the Oregon statute is comparable or
4 noncomparable to Washington sex offense?

5 MR. BALDWIN: It was addressed in the attached
6 motion by Ms. Baer, and that's part of why I attached
7 it. It was something that she addressed. The State
8 responded to comparability in their response to her
9 motion in the other cause number, and I think that Mr.
10 Brittain had been involved in that, at least I believe
11 so, at least more than --

12 THE COURT: Okay. That motion you attached, by the
13 way, was missing pages, just so you know, but anyway.

14 MR. BALDWIN: The copy that came to the court was
15 missing pages?

16 THE COURT: Yeah.

17 So, go ahead, Mr. Brittain.

18 MR. BRITTAIN: Well, and I think this is why I'm
19 really frustrated by how this procedure has come about,
20 is the argument is based off of the motions that were
21 filed in the previous case, but then counsel is asking
22 the court to not really -- or not follow the ultimate
23 rulings that were made in that case, but I think for
24 the court's knowledge which should be known is that in
25 the previous case, in the 2016 case with the attached

1 motions that was filed, Judge Warning did rule that
2 rape three is not a comparable offense to the State of
3 Washington's rape of a child in the third degree. And
4 the reason for that is because Oregon doesn't have the
5 requirement that Washington has or vice versa about not
6 being married. And I think Oregon doesn't have --

7 THE COURT: Right.

8 MR. BRITTAIN: -- that requirement because in the
9 State of Oregon you can't be under the age of 18 and be
10 married. So the way procedurally that case went is
11 that the State tried to bring the victim of that case
12 in to testify at the motion hearing to establish
13 factual comparability. Judge Warning wouldn't allow
14 that.

15 What he ultimately ruled in the case, though, is
16 that the pre-2010 convictions for failure to register,
17 which I believe are all out of Kitsap County, were
18 invalid convictions because they were based off of a
19 noncomparable offense, but he found that the 2013
20 conviction out of Jefferson County was about a
21 conviction because in 2010 the law changed to indicate
22 that if you had been convicted of a sex offense in
23 another State that requires registration, then you're
24 required to register in the State of Washington.

25 So the rape three conviction out of Oregon is still

1 applicable to this matter because it is a sex offense
2 that requires registration.

3 THE COURT: Right.

4 MR. BRITTAIN: The 2013 Jefferson County conviction
5 is still applicable in this case because it was a
6 failure to register after 2010 so there's no
7 comparability analysis needed. And the subsequent
8 2016 --

9 THE COURT: Right.

10 MR. BRITTAIN: -- conviction.

11 THE COURT: I mean, the registration requirement, if
12 it's an offense in the State of origin and they require
13 registration but Washington wouldn't because it
14 wouldn't be comparable to a sex offense for which we
15 require registration. We honor their requirement and
16 we require registration based on their requirement for
17 registration.

18 MR. BRITTAIN: Correct.

19 THE COURT: Conversely, if they don't have a
20 registration requirement but the conviction in question
21 is comparable to a crime that we would have a
22 registration requirement, we require registration under
23 that circumstance as well.

24 MR. BRITTAIN: Correct.

25 THE COURT: Okay.

1 MR. BRITTAIN: And so that's -- the confusing part
2 about the defense motion is that it incorporates that
3 entire argument but then is asking the court to not
4 follow or not go along with Judge Warning's rulings on
5 those matters. And so again we're not provided the
6 notice that they're asking the court to review these
7 things.

8 Although Mr. Baldwin says that I had a hand in the
9 previous case, I was simply a resource in terms of what
10 the actual law was at the time that Mr. Rothman
11 (phonetic) wrote the response to the motion. I wasn't
12 present for any of the arguments. I don't know
13 specifically what was discussed and how the arguments
14 went down. I'm basically flying blind here as to --

15 THE COURT: Well, let me stop you because you were
16 doing well just a moment ago on the facts, so I want to
17 make sure I understand.

18 So rape three right now in Oregon, despite the
19 marriage element that trips up Washington courts
20 repeatedly and that the legislature for some reason
21 refuses to fix, rape three in Oregon right now has a
22 registration requirement.

23 MR. BRITTAIN: Yes, it does.

24 THE COURT: Okay. So he has a registration
25 requirement and the allegation today is that he failed

1 to comply with that.

2 MR. BRITTAIN: Yes.

3 THE COURT: So, Mr. Baldwin, what's your response to
4 that?

5 MR. BALDWIN: Well, as far as why I felt all this
6 was necessary to go into despite the State's recitation
7 that Judge Warning's ruling should be followed, their
8 charging document included as a basis for the
9 requirement to register all the convictions that
10 they've said Judge Warning already vacated. So I felt
11 like I had to express to the court --

12 THE COURT: Uh-huh.

13 MR. BALDWIN: -- what had occurred up until this
14 point.

15 As to the requirement to register, the substantive
16 issue we have goes to the notice given to my client,
17 and that is an issue that they were aware in the prior
18 case --

19 THE COURT: Well, the notice issue is easy to deal
20 with. The notice issue you don't have to be notified
21 at the time of conviction, you just don't. If the time
22 of conviction -- if at the time of conviction your
23 crime did not include a registration requirement and
24 then the legislature of this State or the State you're
25 convicted in subsequently makes a registration

1 requirement on that crime, you're deemed notified of
2 your registration requirement. And so, in other words,
3 the duty to register is not lost if you weren't
4 notified at the time of the originating conviction of a
5 duty to register.

6 So at the time of the Jefferson County conviction,
7 he knew he had a duty to register. Do we all agree
8 with that?

9 MR. BRITTAIN: Yes, the State does. That's the
10 State's position in this case, and we actually have a
11 certified copy of the plea form where he handwrote in
12 that he knew he had a duty to register.

13 THE COURT: Okay. So, Mr. Baldwin, how would -- you
14 know, the notice issue -- I want to make sure I
15 understand what you're trying to argue. To the -- I
16 wrote in the margin on your -- the notes I was making,
17 were you trying to make an ex post facto argument, or
18 was it truly a notice argument?

19 MR. BALDWIN: It's --

20 THE COURT: Because the ex post facto claim is --
21 the Washington State Supreme Court has dealt with that.
22 There is no ex post facto claim.

23 MR. BALDWIN: Yes, your Honor.

24 This is to me unfortunately I consider it a
25 convoluted area of the law. My issue that I adopted

1 from Ms. Baer and has been made by other attorneys is
2 that the failure to receive any notice in Oregon plus I
3 guess -- I'm trying to think of the best way to express
4 it, I apologize it, your Honor, for --

5 THE COURT: Okay. No, that's fine, take your time.

6 MR. BALDWIN: -- pausing. We have no indication of
7 any Oregon judgment and sentence that he's required to
8 register out of Oregon. The State is making the
9 assertion that that's a registerable offense. There is
10 a single attachment to his certified history out of
11 Oregon that's out of sequence, unsigned, undated, that
12 claims the probation condition he was required to
13 register.

14 There is no ability to dispute that in Jefferson
15 County he was told to register. I think there's a part
16 of it that ultimately will be address factually if the
17 matter proceeds to trial today about whether he thought
18 he should have to or thought he had to, but --

19 THE COURT: Can I stop you because you're moving to
20 a new issue a little bit too quickly.

21 MR. BALDWIN: I apologize.

22 THE COURT: Okay. If he wasn't notified of the duty
23 to register at the time of the 1990 Oregon conviction,
24 do you agree or disagree that that doesn't control
25 whether he would have a duty to register at a later

1 time? Is it your position that that is fatal
2 permanently and that he can never be held to a duty to
3 register anywhere at any time because on the Oregon J&S
4 in 1990 there wasn't -- well, let's take -- for the
5 purposes of this motion, I take that as true via the
6 claim in a light most favorable to you.

7 If in 1990 he wasn't notified of his duty to
8 register or if he didn't even have a duty to register,
9 are you claiming that he can never have a duty to
10 register after that? Because that's just not the case.

11 MR. BALDWIN: No, I'm not making that claim. My
12 position would be based on if the predicate for any
13 subsequent registration is the Oregon conviction alone
14 and he's never informed by the State of Oregon that he
15 has to register, then it would be fatal. And I guess
16 maybe it's splitting hairs.

17 Washington is saying all throughout 2005, '7, the
18 three convictions in Kitsap County that were during a
19 period that wasn't comparable, he's ordered to
20 register. There's no clarity as to what the basis of
21 his requirement to register is. So our position is
22 that Oregon never ordered him to register based on the
23 record that's been provided.

24 THE COURT: Okay. Stop right there. So if they
25 don't have to order him to register, where does that

1 leave you?

2 Again, if you're convicted in a State --

3 MR. BALDWIN: I understand.

4 THE COURT: -- that does not have a registration
5 requirement but that conviction if it had been
6 committed in Washington does have a registration
7 requirement, then Washington legislature has said that
8 you have a duty to know that when you move to
9 Washington and you have a duty to register when you get
10 here. And so we talk about notice, what we need to
11 figure out is what does notice mean?

12 Notice generally means that the crime in question is
13 published in Revised Code of Washington. So, for
14 example, you don't need to be separately notified that
15 murder is illegal because you were notified when they
16 published it in the Revised Code of Washington. Let me
17 keep going.

18 MR. BALDWIN: Yes, your Honor.

19 THE COURT: It is a little different in some things
20 like firearms, right? There's been case law and
21 statutes that talk about the notice that's required
22 before you can then be convicted of unlawful possession
23 of a firearm, right. But what authority can you cite
24 me that that's the type of notice that needs to occur
25 in a sex offense?

1 I mean, I don't know how it would go down where if
2 you have a sex -- if you were convicted of a crime in
3 Florida, let's say Florida doesn't have a registration
4 requirement for rape in the first degree. Let's just
5 do easy hypotheticals. And Florida is outlier, right?
6 Let's say Florida is the only State that does that.
7 And then you move up to Washington and Washington most
8 definitely has a registration requirement for rape in
9 the first degree. Are you saying that he would not
10 have to register when he arrived here within the time
11 limit set forth in this statute because it was --
12 Washington can't enforce its own law unless Florida
13 first, A, put on a registration requirement on that
14 crime, and, B, gave him notice of it?

15 Because the Florida didn't have to have a
16 registration requirement on the crime or give him
17 notice of it for Washington statute to be triggered,
18 then, you know, I don't know what we're talking about
19 here.

20 So the question becomes to me, you know, at the time
21 -- well, he's convicted of rape three in Oregon. If
22 rape three in Oregon currently has a registration
23 requirement, then he's required to register in
24 Washington, whether he was given written notice of that
25 by Washington or Oregon or not, right? Am I wrong

1 about that?

2 MR. BALDWIN: Your Honor, what I think in this case
3 and where it becomes difficult, I guess, is not having
4 access to Oregon law. As I understand the Oregon
5 statute that a person is required to register for
6 certain convictions as a sex offender when ordered by
7 the court or by a judge, and that's the language in the
8 Oregon statute. At least, that's my understanding of
9 the language in the Oregon statute.

10 Because this isn't an Oregon case, I didn't have
11 substantial briefing on that, but I know that Mr.
12 Reynolds had during the period of his last case written
13 a motion to or again to try and terminate the
14 requirement to register, and unfortunately it wasn't
15 filed. That included an Oregon statute that identified
16 the requirement that the order to do -- or the order to
17 register as a sex offender be ordered by the court or
18 by a judge.

19 THE COURT: So you're saying that it doesn't go with
20 the crime, it only goes with whether a judge -- and a
21 judge has discretion to order it or not order it?

22 MR. BALDWIN: I don't know, your Honor, about the
23 discretion. All I'm saying is that is my understanding
24 of what the statute reads, and if that's what the
25 statute reads, then it's not just by virtue of the

1 conviction but that the predicate is the requirement
2 that the court actually order a person to do it, but I
3 do not have that statute in front of me, and I'm trying
4 to see if I have a copy of it.

5 THE COURT: Okay. We'll, I'm just going to do some
6 Googles here.

7 Mr. Brittain, you looked like you wanted to say
8 something.

9 MR. BRITTAIN: Oh, I'm just -- again, these issues
10 that are being brought forward I don't think are
11 properly briefed. All of your questions I have no
12 ability to answer because I have no idea --

13 THE COURT: Well, the reason I'm proceeding is I may
14 not be requiring you to answer them. That's why I'm
15 fleshing this out. It could be that we figure this out
16 without requiring you to do briefing.

17 MR. BRITTAIN: Right. And I just wanted the court
18 to be aware that from the court file from the 1990
19 conviction which included -- we have the certified copy
20 to present to the court -- includes every probation
21 violation that Mr. Reynolds had over a 10-year period.
22 It also includes an addendum that indicates the duty to
23 register as a sex offender.

24 And for the purposes of this hearing about the
25 notice issue, I have three copies of registrations that

1 this defendant did in the City -- or with the City of
2 Portland, I believe, or Oregon State Police right after
3 this last probation violation. So it's interesting to
4 me that the defense wants to argue that he was never
5 notified, but then right after these probation
6 violations occurred he does in fact register as a sex
7 offender.

8 Again, if we were looking at the issue of no notice,
9 does that defeat or allow the case to proceed or the
10 issue of he was actually providing notice and did in
11 fact register based on that notice?

12 THE COURT: Right. He's conflating -- I'm just
13 trying to be succinct here. He's conflating actual
14 notice with notice as a triggering requirement. Those
15 are two different things.

16 MR. BRITTAIN: Right.

17 THE COURT: And so, for example, if you want to look
18 at the firearm case law, and it's been -- oh, God, it's
19 probably been two years since I have -- you know,
20 initially, so the State has to give written and oral
21 notice, the court has to, of the duty -- or the
22 restriction on not possessing a firearm. But, for
23 example, the State could establish -- and this again is
24 a hypothetical -- if you are caught possessing a
25 firearm and you have a conviction that disqualifies

1 you, and let's say that that would be an
2 [UNINTELLIGIBLE] first degree, but at that time the
3 State can't show that you were given notice of the
4 restriction, then you can't convict that first
5 go-round. But the fact that you were prosecuted and
6 maybe you beat the prosecution and then you get caught
7 a second time, then it becomes, well, no, you knew, I
8 mean, just because you prevailed the first time because
9 the State couldn't show notice, you had actual notice
10 now after you were charged, and it was clear that you
11 had a duty or had a restriction not to have a firearm.
12 So if you think about it that way -- go ahead.

13 MR. BRITTAIN: I believe also that there is case law
14 on the sex offender registration that if you've been
15 arrested and charged with failure to register that that
16 triggers at that point that you were put on notice that
17 you have a duty to register as a sex offender.

18 THE COURT: That's my understanding, and that's
19 similar to unlawful possession of a firearm.

20 MR. BRITTAIN: Right.

21 THE COURT: I believe. It's been a good two years
22 since I've had to brief that, but, yeah.

23 MR. BRITTAIN: I haven't researched that, but I do
24 recall about five years ago running into that case.

25 THE COURT: Right. So, yeah, I'm just trying to

1 find -- I put in "duty to register," and it keeps
2 coming up something like Oregon State Police and things
3 like that, so let me just ...

4 All right. Well, there's Oregon case law, too.
5 Retroactive application of registration statute do not
6 violate ex post facto clause similar to Washington.
7 All right. It looks 181.599. Let's just see here.

8 All right. Let me just click on that one.

9 So is rape in the third degree a sex crime in
10 Oregon?

11 MR. BRITTAIN: Yes, it is.

12 THE COURT: Okay. So the duty to register results
13 from conviction of a sex crime. So to your argument
14 that the duty to register is triggered solely by the
15 judge saying you have a duty to register from looking
16 at a statute that says there's a duty to register if
17 you're convicted of a sex crime. Is discharged,
18 paroled, or released. It's funny how they -- actually,
19 they don't use the term "conviction." They say
20 discharged, paroled, or released. I think I'm looking
21 at the -- let's see here.

22 And they also have a statute that says even if
23 you're not required in this State, if you're not moving
24 into the State, you're not otherwise required to
25 register (sic). You shall report if you -- a person

1 shall report in person ... described in Subsection 6.
2 Would constitute a sex crime committed in this State or
3 if it was a person who had a duty to register as a sex
4 offender in that court's jurisdiction.

5 So the States have all -- Oregon has got the same
6 statute we do. It doesn't say when they put theirs in,
7 but in any event ...

8 So let's just go through the arguments. To the
9 extent that the argument, as I understood it, was that
10 he didn't have a duty to register at the time fo the ,
11 Oregon conviction so he continues to never have a duty
12 to register, that argument is not -- I don't agree with
13 that. That's not the ruling of this court.

14 To the extent that the argument is that he didn't
15 have written notice of his duty to register when he
16 moved to Washington, I'm finding that's not required.
17 The notice is contained within the Revised Code of
18 Washington which is how you get notice of all the other
19 things you are required to do or can't do like commit a
20 violent crime or something of that nature. So that
21 takes care of the notice requirement.

22 The facial and validity argument, it made no sense
23 to me. It's one thing to say -- to make a notice
24 argument or to make an ex post facto argument. It's
25 another thing to make an actual facial and validity

1 argument which goes to, you know, the constitutionality
2 of his pleas. And so the briefing talked about the
3 Oregon conviction being facially invalid. I didn't see
4 anything that tells me the Oregon conviction was
5 facially invalid, putting aside whether he totally had
6 a duty to a register. That's a separate question from
7 whether the conviction is facially invalid. So that is
8 not before me, it hasn't been briefed adequately. And
9 I'm not even sure that you meant to be arguing that.

10 To the extent that the -- you know, I don't know
11 what the remaining arguments are. I'm trying to think
12 of what they are. Do you have remaining arguments?
13 Have I disposed of those?

14 MR. BALDWIN: I think you've disposed of them, you
15 know. The only issue I would like to address is
16 regarding discovery. We received Wednesday at
17 9:12 a.m. this stack of documents for the first time,
18 including all of the certified copies of judgment and
19 sentences for my client's history, excluding the
20 Cowlitz County judgment and sentence. We haven't been
21 provided any of those, and we are aggrieved by the late
22 notice of the discovery and are asking that it be
23 suppressed. I have the time stamp, January 24th,
24 9:12 a.m., as when we received all of the certified
25 copies of judgment and sentences as laid out in the

1 charging document. Aside from the two-page judgment
2 and sentence from his Oregon conviction.

3 THE COURT: All right. Mr. Brittain, do you want to
4 respond?

5 MR. BRITTAIN: Yes, your Honor. The discovery was
6 sent on Wednesday. Actually, I believe I had done it
7 (sic) in my system as of Tuesday, and that was based
8 off of a simple oversight to begin with that the
9 defense had not received the certified copies of the
10 documents that were listed. The oversight was partly
11 based on the information that Mr. Baldwin had provided
12 to me in terms of two weeks prior, the stack of
13 documents, including the Oregon convictions showing
14 which I had assumed was going to be the basis for this
15 argument that we've heard today with his motion to
16 dismiss.

17 When I had an opportunity to look through those
18 documents waiting for his motion to dismiss or as he
19 framed the motion in limine to arrive, I realized that
20 he did not have the certified copies. I realized that
21 in my case file it was not present because it was still
22 stuck in the 2016 cause number. So once I realized
23 that, I immediately forwarded that information.

24 Additionally, Mr. Baldwin had indicated on few
25 different occasions that he had received materials for

1 this motion from Ms. Baer from the previous case. I
2 also took that as a belief that he had received the
3 copies of the certified judgment and sentences which
4 were a major part of that motion, given that she was
5 attacking the validity of every single fee.

6 And, third, given that Mr. Baldwin had pulled
7 documents from the 2016 case file, at that point I had
8 also assumed that he had the copy of the Cowlitz County
9 judgment and sentence showing the most recent
10 conviction that occurred approximately six months ago.
11 So this was not anything that was done on purpose in
12 order to hide or deceive. I believe Mr. Baldwin
13 already had this information based off of the
14 conversations we had had previous, and once I realized
15 that I myself had not physically sent them to him, I
16 took the necessary steps to do that.

17 THE COURT: Let me just back up. There was a
18 readiness hearing on the 18th of January, and I'm not
19 sure why it was set to Wednesday's docket that I was
20 there --

21 MR. BRITTAIN: That was to waive a jury.

22 THE COURT: Okay, all right. Well, okay. So a
23 couple things. You know, there's a -- perhaps I don't
24 see it, but I don't see -- you know, it's titled in
25 Odyssey Omnibus Hearing. Of course, the problem is

1 that we don't actually do proper omnibus in this
2 County, which is something that we're going to be
3 working on. It's just in the context of a pretrial.

4 Typically, the purpose of an omnibus is to have an
5 agreed omnibus application and the parties will say
6 what they need and then the court will rule. If
7 there's a dispute about what's discoverable or what's
8 not, the court will typically settle it at that time.
9 If there's an agreement about what everyone is entitled
10 to, the court will sign the order, and the order, the
11 key component of the order is a compliance statement.

12 There was an omnibus application here by the defense
13 or the State, and so no compliance date was entered for
14 the cutoff for discovery. So it's not necessarily the
15 case that if there had been a compliance date that that
16 automatically means that if you go past it, you know,
17 you get some sort of remedy, but in the very least, you
18 need to have -- you know, I think you need to have an
19 omni with a compliance date before I can entertain a
20 motion to continue on the argument that discovery
21 wasn't timely complied with. Last Wednesday I think is
22 what you said. So last Wednesday was before the
23 Thursday readiness, and there was no motion at the
24 Thursday readiness saying, hey -- so did you get it
25 last Wednesday or two days ago?

1 MR. BALDWIN: No, two days ago.

2 THE COURT: Two days ago.

3 MR. BALDWIN: Two days ago.

4 THE COURT: Okay. And so was that after our
5 hearing?

6 MR. BALDWIN: It came in at 9:12 and I was already
7 on the docket, so I didn't realize it was there. I
8 hadn't been provided copies until around 3 o'clock that
9 afternoon.

10 THE COURT: Well --

11 MR. BALDWIN: It was probably contemporaneous, I
12 apologize.

13 THE COURT: Right, no, I'm --

14 MR. BALDWIN: Contemporaneous with us being in
15 court.

16 THE COURT: Right.

17 MR. BALDWIN: So I didn't have notice as of
18 Wednesday when we were in court and entered the jury
19 waiver.

20 THE COURT: Right. So, well, but so I guess I'm
21 going to find that the defense had notice of what the
22 prior convictions were in two ways. Number one, they
23 were listed in the Information; and, number two, they
24 were listed on the defendant's criminal history that
25 was attached or has been filed with the court.

1 So if the defense felt that they needed to review
2 the certifieds in advance of trial, the defense should
3 have brought a motion to the court to compel disclosure
4 of the certifieds before trial and said, well, I know I
5 got notice of the convictions, but I need to actually
6 see the convictions. So, you know, in other words,
7 there's been no attempt by the defense to push this and
8 say I have information -- there's information that I
9 need that I don't have and I need the court to, you
10 know, order disclosure of it immediately. That wasn't
11 done.

12 So to the extent that the argument is that the
13 disclosure or the handing over of the certifieds on
14 Wednesday before the [UNINTELLIGIBLE] on jury trial is
15 prejudicial to the defendant and requires a
16 continuance, I don't find that it does require a
17 continuance. I think the defense has been on fair
18 notice of what the convictions are and I'm more than
19 happy to give you -- take an hour or a half an hour --
20 there's no jury here. We can take an hour for you to
21 review them if you'd like to, and we can come back. I
22 have no problem doing that. But I'm not going to
23 continue the trial today on that basis. I think that
24 there's been adequate notice and that you have adequate
25 time to prepare based on those.

1 MR. BALDWIN: If I could just -- I'd just like to
2 add for the record that prior to this I didn't have any
3 copy, certified or otherwise, just to make sure that
4 was clear for the purpose of the record.

5 THE COURT: Right, I did get that, yeah. Okay. All
6 right. So do you need an hour to look them over?

7 MR. BALDWIN: If I could have just a moment to talk
8 to my client.

9 THE COURT: Sure, absolutely. And, you know, I was
10 going to take a short recess anyway, so we'll take --
11 do you have any issue you want to raise before we take
12 a 15-minute recess? All right. Then we'll take 15
13 minutes.

14 (RECESS.)

15 THE COURT: Okay. We're back on the record. State
16 versus Reynolds.

17 So, Mr. Baldwin, do you have a stipulation as I
18 understand it?

19 MR. BALDWIN: Yes, your Honor, we do.

20 THE COURT: Okay.

21 MR. BALDWIN: In light of the court's rulings, my
22 client has decided to enter a stipulation of fact --

23 THE COURT: Okay.

24 MR. BALDWIN: -- reserves his right to appeal but
25 to proceed today without the need for testimony.

1 THE COURT: Okay, very well.

2 CLERK: Your Honor, I need to stop the record. It
3 didn't pick up.

4 THE COURT: Testing.

5 CLERK: All right, try it.

6 THE COURT: Testing. Can you hear us?

7 CLERK: Yes.

8 THE COURT: All right, excellent. So we're back on
9 the record. State versus Reynolds.

10 And you were saying that you have a stipulation that
11 will include preserving the right to appeal?

12 MR. BALDWIN: Yes, your Honor, that is correct.

13 THE COURT: Okay.

14 MR. BALDWIN: In an attempt to preserve my client's
15 right to appeal but not require the need for testimony.
16 We signed the stipulation of facts for the court to
17 consider.

18 THE COURT: Okay.

19 MR. BALDWIN: Based in part on the court's specific
20 ruling, [INAUDIBLE] statute, as well as the information
21 that would be presented by the witnesses.

22 THE COURT: Okay.

23 MR. BALDWIN: A copy of it has been provided to my
24 client.

25 THE COURT: Okay. So, sir, before I begin reading

1 the facts, you did sign this stipulation of facts; is
2 that correct?

3 DEFENDANT: Yes.

4 THE COURT: And you understand what your attorney
5 was referring to, that you're going to retain your
6 right to an appeal. So essentially we're having a
7 trial. It's just a trial based on stipulated facts.
8 So it's not a guilty plea. Do you understand that?

9 DEFENDANT: Yes, ma'am.

10 THE COURT: Okay.

11 So what I think I'd like to do, on the findings of
12 fact, essentially, it goes through the actual crime
13 charged with all of the various ways that you can
14 commit this crime. The State has alleged that it seems
15 to be the last one, lacking a fixed residence and
16 failure to report on a weekly -- to report weekly to
17 Cowlitz County Sheriff. So I don't think as part of my
18 findings of fact based on the stipulation that's been
19 entered that I can make the findings of, you know, did
20 knowingly fail to report his address, change of address
21 to Cowlitz County Sheriff's within three business days
22 of moving within Cowlitz County or within three
23 business days of moving to another County. Moving to
24 another State or foreign country, those aren't part of
25 the facts that were stipulated to. They're not

1 necessary for the court to find guilt if the court
2 accepts these facts, but I think -- and I'm going to
3 ask Mr. Brittain if he has any input and I'll turn to
4 Mr. Baldwin.

5 Mr. Brittain, don't you think it should just be did
6 knowingly fail to report weekly to the Cowlitz County
7 Sheriff?

8 MR. BRITTAIN: I think that would be sufficient,
9 your Honor. I just -- for that section. I think for
10 the conclusion of law, I have the same language. I
11 just incorporated what the charging Information was --

12 THE COURT: Okay.

13 MR. BRITTAIN: -- to make sure I covered my bases.

14 THE COURT: Well, I think what we need to do is --
15 and I can interlineate this very easily. It's not --
16 but the other issue I had was that in the factual
17 stipulations, it stipulates to the conviction from
18 Jefferson County, but that's not in the findings of
19 fact. It only has the Clackamas and the Cowlitz one.

20 MR. BRITTAIN: It's because the Jefferson County one
21 wouldn't actually cause a duty to register, your Honor.

22 THE COURT: Uh-huh.

23 MR. BRITTAIN: That's why the Cowlitz County
24 indicates second offense.

25 THE COURT: Uh-huh.

1 MR. BRITTAIN: So it was my belief before in doing
2 these cases that I wouldn't actually allege the
3 Jefferson County as a predicate offense because it's
4 not considered a sex offense that requires
5 registration.

6 THE COURT: No, I know, but he raised a notice
7 issue, so, I mean, it doesn't have to be an element for
8 it to also be a finding of fact. I mean, I understand
9 your argument, but since it was in the stipulation of
10 facts. It's not a finding that's a predicate to
11 finding guilt beyond a reasonable doubt, but I was just
12 curious why it didn't make it into the findings of
13 fact.

14 So I think what we'll do is -- second offense ...
15 what I would propose is for me to cross out, if I can
16 read it, it says: Defendant in County of Cowlitz,
17 State of Washington, on or about or between 8/15/2017
18 and 10/3/2017, having been convicted of a sex offense,
19 to wit, rape in the third degree in the Circuit Court
20 of the State of Oregon, Clackamas County, and/or
21 failure to register as a sex offender, second offense
22 in Cowlitz County. And then it has a comma. And then
23 it goes on -- failed to report change of address and
24 various things. So I would propose crossing out all of
25 that until we get down to lacking a fixed residence,

1 did knowingly fail to report weekly to Cowlitz County
2 Sheriff. That would be my proposal.

3 Do you have any input on that, Mr. Brittain?

4 MR. BRITTAIN: No objection to that, your Honor.

5 THE COURT: Okay. And, Mr. Baldwin?

6 MR. BALDWIN: I would think that's appropriate, your
7 Honor.

8 THE COURT: Okay.

9 MR. BALDWIN: I think in some prior circumstances
10 other judges would like the entirety of the statement,
11 but I would agree that since that wasn't in the fact
12 that it would be appropriate to remove it.

13 THE COURT: Right. I mean, those facts would be --
14 the findings of fact have to be supported by
15 substantial evidence in the record, and I don't have
16 anything about those particular elements, so. Okay.
17 Let me just read this again.

18 Okay. All right. The language is so awkward
19 because on the last prong it has what he did and then
20 the knowingly line which comes after, so I've got to
21 make sure the sentence makes sense.

22 Okay. All right. So based on the stipulations that
23 were made, I did make findings of fact, the defendant
24 in the County of Cowlitz, State of Washington, on or
25 about or between 8/15/2017 and 10/3/2017, having been

1 convicted of a sex offense, to wit, rape in the third
2 degree in the Circuit Court of the State of Oregon for
3 Clackamas County, Cause No. 90-262, and/or failure to
4 register as a sex offender, second offense, in Cowlitz
5 County Superior Court, Cause No. 16-1-01566-0, lacking
6 a fixed residence, did knowingly fail to report weekly
7 to the Cowlitz County Sheriff contrary to RCW 9.33.130
8 and 9.44.132, and against the peace and dignity of the
9 State of Washington. I initialed those changes that I
10 made.

11 I make the following conclusion of law. That I find
12 beyond a reasonable doubt that on or between 8/15/2017
13 and 10/3/2017 in the County of Cowlitz, State of
14 Washington, the defendant, lacking a fixed residence,
15 did knowingly fail to report weekly to Cowlitz County
16 Sheriff, contrary to 9A.44.130 and 9A.44.132.

17 The conclusion of law doesn't contain the language,
18 having been convicted of a sex offense. Doesn't that
19 have to be also in the conclusion of law?

20 MR. BRITTAIN: I thought so, your Honor, but I
21 thought the finding of fact that the court made that he
22 was convicted of a sex offense and therefore the
23 conclusion of law would be that he failed to report as
24 ordered.

25 THE COURT: Yeah.

1 MR. BRITTAIN: Or as required, I should say.

2 THE COURT: Yeah, you're right. Yeah.

3 All right. Based on the stipulation and conclusions
4 of law, I do find the defendant guilty. It's a
5 single-count Information; is that right?

6 MR. BRITTAIN: Yes, your Honor.

7 THE COURT: Okay. All right. And what was the date
8 that the parties contemplated for sentencing?

9 MR. BALDWIN: Could I ask your Honor with my
10 schedule the possibility of three weeks? Next week I'm
11 in trial. The week after I'm in another State for
12 depositions on three days.

13 Maybe the bigger issue is when is your Honor
14 available to do sentencing?

15 THE COURT: Well, I'm out next week, in any event.
16 What's the standard range in this case? I don't have
17 that in front of me?

18 MR. BRITTAIN: I believe it's 43 to 57 months.

19 THE COURT: All right. So that was kind of where I
20 was going with that was what was the completed picture
21 here.

22 All right. So procedurally of course any prior bond
23 is exonerated, and the defendant will be held pending
24 sentencing. And we can do it -- I have a docket
25 regularly on Monday mornings. I realize it's an OPD

1 docket, but, Mr. Baldwin, what about doing it on that
2 -- another option is for me to cover one over at the
3 jail?

4 MR. BALDWIN: Does your Honor do any of the
5 first-appearance calendars? I don't -- with the Monday
6 morning being out of custody, the jail doesn't normally
7 bring people over off of docket.

8 THE COURT: Right. We're having exceptions made
9 when there's affidavits against Bashor and Warning, but
10 this isn't that -- let me go ahead and email Ms. Paul.
11 She's the one who sets our calendars.

12 MR. BALDWIN: I have matters on Wednesday that
13 someone is going to cover. If the court wants to put
14 it over to Wednesday to set the date that way you could
15 confirm with court administration and determine when it
16 would be.

17 THE COURT: So we could -- and frankly I don't have
18 an objection to another judge doing the sentencing if
19 you want to do it that way. We don't have to set it to
20 my calendar. We could set it in front of Judge
21 Warning, if you like.

22 MR. BRITTAIN: It honestly doesn't matter to me,
23 your HOnor.

24 THE COURT: Right.

25 MR. BRITTAIN: I was thinking if Mr. Baldwin wasn't

1 available for the next three weeks, just the first
2 available Wednesday at 9:00 --

3 THE COURT: Right.

4 MR. BRITTAIN: -- would be appropriate.

5 THE COURT: Okay.

6 MR. BRITTAIN: If you happen to be covering that
7 docket, so be it.

8 THE COURT: Sure.

9 MR. BRITTAIN: If not, then we can still proceed.

10 THE COURT: Right. This isn't the type of -- you
11 know, it wasn't a jury trial with witnesses and things
12 where it makes more sense or typically the trial judge
13 would hear the sentencing. So I don't have any
14 particular opinion about it. So we could -- where am I
15 looking here? Contract -- so that's typically a
16 9:00 a.m. calendar for you on Wednesdays?

17 MR. BALDWIN: Yes, your Honor. Wednesday at 9:00.

18 THE COURT: Right.

19 MR. BALDWIN: And so I think the --

20 THE COURT: So that could put us to -- yeah, let's
21 see. That's right.

22 MR. BALDWIN: Is that correct, your Honor?

23 THE COURT: Yeah, so next week is the 31st. The
24 following is the 7th and then you're available again on
25 the 14th?

1 MR. BALDWIN: Correct, your Honor.

2 THE COURT: Okay. All right. Well, we can do that
3 then. We'll set it for February 14th. We'll set it at
4 the 9:00 a.m. calendar, and it's going to be in front
5 of Judge Warning or me mostly likely, so we'll just
6 handle it that way.

7 I'm going to hand this to the clerk. And the only
8 thing -- it's not necessarily required, but, Mr.
9 Brittain, you didn't sign the final Page 5.

10 MR. BRITTAIN: I only recall signing it one time.

11 THE COURT: Right. I want to make sure we did the
12 right thing. So this is a case where everyone is okay
13 with Judge Warning doing the sentencing, so I just want
14 to reset it on a Wednesday at 9:00 instead of doing --
15 I was going to look for a special set. That's why I
16 was willing to come in, but -- is that all right with
17 Judge Warning? Yeah, okay.

18 MR. BALDWIN: My client has no objection to Judge
19 Warning doing the sentencing.

20 THE COURT: Very well. Okay. That's good to have
21 for the record. Thank you very much. So we'll be back
22 for sentencing on that date, probably in front of Judge
23 Warning. Okay.

24 Thank you very much, and thank you all for getting
25 that done. I appreciate it. And we'll be in recess.

1 MR. BRITTAIN: Thank you.

2 THE COURT: Okay.

3 (PROCEEDINGS CONCLUDED.)

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P R O C E E D I N G S

FEBRUARY 21, 2018

MR. BRITTAIN: Your Honor, this is Cause 17-1-01348-08. We're on for sentencing today. The defendant was found guilty at a stipulated facts trial back on January 26th.

THE COURT: That was on the failure-to-register charge, correct?

MR. BRITTAIN: Yes, your Honor.

MR. BALDWIN: Your Honor, I apologize. My client isn't agreeing to the criminal history. He just informed me that he believes that some of the priors may not count. So I don't know how that affects the proceeding.

THE COURT: Let me see what we've got.

MR. BALDWIN: This is a situation where, I don't know if the court recalls, Mr. Reynolds appeared before you August of last year on a failure to register. Ms. Baer was counsel. She did not make any motion to essentially dismiss because of [UNINTELLIGIBLE] conviction. Your Honor ruled that a series of failure-to-register convictions occurring prior to 2012 didn't count in his criminal history because they were based on [INAUDIBLE] and an improper determination of

1 [INAUDIBLE] was comparable.

2 Your Honor in that case in 2017 at the time of
3 sentencing ruled that any case after 2012 approximately
4 did count so there is one and then the one before you
5 in August of 2017. We renewed that issue in front of
6 Judge Kruser, and she found that there was sufficient
7 evidence so stipulated facts was entered. My client
8 believes his offender score is less than 15 alleged by
9 the State.

10 Our intention just for the court's information was
11 to have a written motion for an exceptional sentence
12 downward. I was scheduled to be in trial and thought
13 court would be continuing today so it didn't get filed.
14 My trial was cancelled yesterday afternoon as a result
15 of the weather. So my client is asking it be set over
16 two weeks so that it can be filed.

17 I understand the motion for exception sentence
18 downward doesn't have to be written, and I can present
19 the court with a factual basis orally, but he would
20 like a chance for the court to review the written
21 record, the written material.

22 THE COURT: So which of the cases are at issue in
23 terms of offender score?

24 MR. BRITTAIN: So the rape three conviction in
25 Oregon, the 1990 conviction in Clackamas, Oregon isn't

1 a comparable offense in the State of Washington. And
2 then the failure-to-register offense is from 2005 and
3 2008, those three offenses. I believe previously the
4 court ruled that in his 2017 matter, 2016 matter, that
5 that would not be valid convictions.

6 THE COURT: So, Mr. Baldwin, from your standpoint of
7 yours that are not -- it shouldn't be part of the
8 score?

9 MR. BALDWIN: Well, I think, your Honor, my client's
10 position is that because those convictions are invalid
11 -- there was a valid conviction in 2003, a VUCSA
12 possession, 22 months in prison, and no other valid
13 conviction until 2014, failure to register, which would
14 by his determination result in him being out in the
15 community for more than five years. Understanding the
16 State's position, he was in fact in custody despite the
17 invalidity of the convictions. My client's position is
18 that that shouldn't prohibit other priors from
19 Washington because the sentences were improper, the
20 convictions were improper.

21 I don't know -- my client at the time all this
22 occurred in front of your Honor had been in touch with
23 -- his counsel had been in touch with attorneys in
24 Kitsap County to try and get those judgments vacated.
25 I don't know that that has occurred or it's happened,

1 but that is part of the complicated factor here.

2 THE COURT: Well, it would seem if there -- it would
3 seem that we couldn't use them for any purpose. Do we
4 have a misdemeanor history that would keep those
5 others --

6 MR. BRITTAIN: I don't know. This is all news to
7 me. I just found out when I walked in and --

8 THE COURT: Okay. All right.

9 MR. BRITTAIN: -- so ...

10 THE COURT: Two weeks then to the -- what would that
11 be -- the 7th, and we will address those issues,
12 please.

13 MR. BALDWIN: And I'll brief the issues and resubmit
14 the contract. Yes, your Honor.

15 (PROCEEDINGS CONCLUDED.)

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P R O C E E D I N G S

MARCH 7, 2018

MR. BRITTAIN: Your Honor, this is Cause 17-1-1348-08. We're on for sentencing today. I think we were here about two weeks ago for sentencing after a stipulated facts trial that occurred on January 26th.

The issue at the previous sentencing hearing was the defendant's offender score. There were certain convictions that were deemed not valid convictions and we had to figure out whether that caused other convictions to wash.

I've had an opportunity to look at that issue. I showed Mr. Baldwin. I think the defendant's offender score is 9, and I believe Mr. Baldwin indicated earlier that he agreed with that.

THE COURT: Mr. Baldwin, is that accurate?

MR. BALDWIN: That is accurate, your Honor. I need to correct, it reflects washout on all the Class C felonies in my client's history, but because of the timing of the [INAUDIBLE] offenses, the Class B felonies would not have washed out.

I think when the court previously sentenced my client, he had an offender score of 7 or 8 with a DOC [INAUDIBLE] 8, so I think this is accurately increased

1 based on the conviction during that period, so I think
2 that's correct.

3 THE COURT: And what is his range then with that
4 score?

5 MR. BRITTAIN: 43 to 57 months.

6 THE COURT: Okay.

7 MR. BRITTAIN: Your Honor, the State is recommending
8 in this case 50 months along with 36 months of
9 community custody. The basis for that recommendation,
10 your Honor, is when the defendant committed this
11 offense, he had just been convicted at a stipulated
12 facts trial and given an exceptional sentence down with
13 credit for time served in August of 2017.

14 Your Honor presided over all the motions in that
15 case, and his range at that time I believe was 33 to 43
16 months, approximately. You gave him an exceptional
17 sentence down for credit for time served. He was
18 released, he went in and registered as he was supposed
19 to. Then on his next check-in date he informs the CCSO
20 that he actually did not have to register and left and
21 then disappeared again.

22 We feel that he was given the benefit of the doubt
23 the previous time when your Honor imposed an
24 exceptional sentence below the standard range for
25 credit for time served, and he basically decided at

1 that point that the law did not apply to him and
2 immediately reoffended. So we are asking the court to
3 impose 50 months along with the standard community
4 custody and costs.

5 THE COURT: Mr. Baldwin.

6 MR. BALDWIN: Your Honor, we're asking for an
7 exceptional down. I provided to the State a
8 declaration of my client, basically part of his
9 allocution for the court's consideration in support of
10 the request for an exceptional down.

11 I'm requesting an exceptional sentence downward on
12 two bases, 9.948.535 (sic), Subsection 1(e), I do
13 believe, addresses the basis for an exceptional
14 sentence downward. When a mental health issue impacts
15 the capacity of a person, the competency of a person,
16 to appreciate the wrongfulness of their conduct or
17 conform their conduct to the law, so the mental health
18 defense, this is a strict liability crime. There was
19 no real mental health basis or component, but Mr.
20 Reynolds suffers from a diagnosis of depression as well
21 as other social personality disorders that are
22 reflected in his medical records here at the jail.

23 When he was in custody previously for eight months,
24 at the time he received the last exceptional down, he
25 was on his medication, he receives Prozac as well as

1 another medication, Vitrio or Viritol (sic). There's
2 also an antidepressant medication that he was on.

3 During the time he was here, he was proactively
4 engaged in trying to improve his situation. He filed
5 in Oregon a motion to have the requirement to register
6 withdrawn and had a court date set for after his
7 release.

8 Unfortunately, when he gets out of custody, when he
9 got out of custody, he wasn't under any treatment
10 management. He didn't have medication provided by the
11 jail, and he very quickly fell into his depression. I
12 think it's evidence from the conduct and behavior.

13 The stipulated facts show that when he was released,
14 he went and checked in and registered as a transient.
15 The stipulated facts, I believe, show that he complied
16 once on the first week that he went in and registered
17 as required. After that, he failed to appear.

18 He did not go to Oregon for the court appearance he
19 had scheduled to have his requirement to register out
20 of Oregon terminated. He didn't continue to make
21 contact with attorneys in Kitsap County. He was then
22 put in contact with OPD to try and have the convictions
23 vacated that show on his record that the court had
24 determined were improperly made (sic). He effectively
25 lived under a bridge waiting to either be arrested or

1 die. He didn't go to the doctor to deal with the
2 medical issue that's been necessary for a year, and he
3 continues to suffer for that.

4 He has had multiple surgeries resulting in a
5 colostomy bag that needs to be debrided and potentially
6 replaced, and he has not taken care of himself.
7 Because when he got out, he was not on his medication.

8 Through that doesn't rise to the level of a defense,
9 it is certainly a factor for the court's consideration,
10 and I believe under the relatively minimal standard
11 that's necessary for a court to find as a basis for an
12 exceptional sentence, the underlying facts clearly show
13 it.

14 You had a man who is in front of you just two months
15 before he got arrested here who had vigor and who had a
16 plan. He got off his medication and all of that
17 stopped existing and stopped being real. It stopped
18 being his life. And he ends up back here.

19 He has a problem with how he ended up here in the
20 first place. That's not this court's fault. That's a
21 problem he has with Oregon where he does maintain
22 Oregon didn't notify him of the requirement to register
23 and the record is, I think, questionable in that front.
24 But the findings of this court and other judges is that
25 it doesn't matter. Oregon says you have to register

1 for the offense he was convicted of in Oregon, so
2 Washington statute now requires it, whether there was
3 actual notice or not.

4 As a result of that, he entered a stipulated facts
5 trial and is here for sentencing, but there is no
6 question that when he was out and not on his prescribed
7 medication for depression he was not a person who was
8 in a position to appreciate the wrongfulness of his
9 conduct as it complies with the law and for that the
10 court has justification to impose an exceptional
11 sentence downward.

12 In addition, the court had previously found what we
13 think is relevant for the court's consideration in the
14 interest of justice and fundamental fairness, that he
15 did serve a substantial term in prison for offenses
16 that were improperly made or found in Kitsap County,
17 three failures to register where there was no
18 comparability that never should have occurred that
19 increased his offender score on a number of offenses,
20 prevented washout on a number of offenses improperly
21 for a period of time, resulting in a significant amount
22 of time in prison by Mr. Reynolds.

23 I don't know that I can propose a solution other
24 than a requirement that a condition of whatever DOC
25 supervision the court imposes, that he comply with

1 mental health's requirement, maybe even setting a
2 check-in to confirm that he has, once released, gotten
3 in with mental health counseling and taken his
4 medication. I don't think 43 to 57 months in prison is
5 appropriate under the circumstances. He's not a danger
6 to the community. He's not a risk to anyone.

7 These charges have resulted in a lot of lost time
8 and lost life improperly because of another County's
9 mistake and another attorney's mistake, and I'm asking
10 the court to recognize those two things as sufficient
11 factors to justify an exceptional down.

12 MR. BRITTAIN: Your Honor, can I respond to that
13 request for exceptional down?

14 THE COURT: Yes.

15 MR. BRITTAIN: I want to first point out that at no
16 time during any point of this case, which began in
17 October of 2017, was the defendant's mental health
18 issues ever raised or brought up or a matter of concern
19 by the defense.

20 The issue at the stipulated facts trial solely based
21 off of an argument that the defendant did not actually
22 have a duty to register. When the court informed -- or
23 denied the defendant's motion that he actually does
24 have a duty to register, then it turned into a
25 stipulated facts trial.

1 This coincides with exactly what the defendant's
2 position was back in August 2017 when he registered
3 after being released, after being given an exceptional
4 sentence below the standard range in which the court
5 told the defendant what his likely sentence could be
6 based off of the sentence ranges.

7 He goes in to Chris Taft (phonetic) at the Sheriff's
8 Department and tells her I don't have to register and
9 then never shows up again. So this is not an issue of
10 the defendant's mental health concerns. This is the
11 defendant deciding on his own he doesn't have to comply
12 with the law.

13 Your Honor gave him a huge break last time and he
14 immediately thumbed his nose at your Honor, the court
15 system, and the Sheriff's Department and his
16 requirement. So there's just no basis to give him an
17 additional break based off of what he did two weeks
18 after he was released from custody after your Honor
19 provided him that break.

20 MR. BALDWIN: May I respond briefly, your Honor.

21 It wasn't raised as a mental health defense because
22 it's a strict liability defense. There was nothing
23 that I saw that would justify raising it as a defense
24 to be proceeding of the action (sic), but that doesn't
25 change the fact that although it's not defense it

1 wasn't considered as a basis for an exceptional down,
2 and I believe it's sufficiently shown.

3 THE COURT: Mr. Reynolds, anything you wish to say?

4 DEFENDANT: Yes, your Honor. I'm not going to say
5 what you've heard a hundred times, what Joshua Baldwin
6 is saying is definitely on point. I did fall into a
7 major state of depression, and I believe that I
8 wouldn't be here now in front of you if the situation
9 was taken care of back in 2005 on the first day to
10 register. I was led to believe that I had to register
11 10 years after my conviction when Washington State said
12 if you're a sex offender, you have to register, so I
13 started my registration back then.

14 And I knew something was wrong, you know, because
15 Oregon State never ordered me or notified me to
16 register, but I was registering anyway. And, you know,
17 since then, yeah, I've done a lot of time in prison. I
18 haven't had a whole bunch of time in the community, but
19 the time that I've had in the community I've been
20 productive, but, you know, I've ended up in severe
21 depression, social anxiety disorder, post-traumatic
22 stress disorder, and when I'm on my medications, the
23 proper medications, I'm better and functioning and
24 doing a lot better.

25 I also have this physical condition that when I was

1 homeless out here I was having problems with St. John's
2 Medical Center giving me proper supplies. So I was
3 going into the emergency room once a week to get my bag
4 changed out, and it was just temporary supplies, so I
5 was doing that and being homeless. It wasn't very -- I
6 didn't have no support. I mean, things were pretty
7 tough working out there.

8 When I got arrested, Mamie Rollin (phonetic), my DOC
9 officer, and another DOC officer, they were pretty
10 concerned about my health, the state of the condition I
11 was in, and the medical here at the jail, they said,
12 hey, you got to take this man to the hospital because
13 we don't have no supplies here. I mean, my bag was
14 duct-taped onto my body, okay. It was a [cheap] bag.
15 So they took me -- the day I got arrested, they took me
16 to St. John's Hospital and a physician assistant, her
17 name is Susan, I don't know what her name is, but she's
18 the assistant to Mario Jorge, the surgeon that did my
19 surgery, she came down from the third floor and talked
20 with my DOC officer and she said, hey, the life that
21 Reynolds is leading right now is not conducive to a
22 good quality of life. If you can guarantee his date of
23 release, if you can guarantee that you can get him
24 here, we'll get him and follow through with
25 reattachment surgery. He needs to get it done.

1 So, I mean, that's like the main priority of my life
2 right now is to get this taken care of, you know. If I
3 go to prison with this colostomy bag, they won't even
4 put me in the population first. I'll be in the
5 infirmary, and they won't reattach me. It's a money
6 situation. And I'll have to live with this in prison,
7 and I'm not really looking forward to that.

8 And I want my life to get back together, you know.
9 You know, when I got out of prison in 2010 I was here
10 in the community for about two and a half years. I was
11 doing good. I was on my medication, you know, I was
12 paying off rent. I was doing good back then, you know.
13 I was working for [INAUDIBLE], going to Alcoholics
14 Anonymous, I was completing my treatment, I was doing
15 everything I was supposed to be doing, you know, and I
16 was following up with mental health treatment with
17 Family Health Center. I was doing really well. I know
18 I could do it. I know I can do it. I just need the
19 right help, you know.

20 I don't think sending me to prison is helping. It's
21 not. I think it's sweeping the problem under the rug.
22 So I'm asking for an exceptional down, you know.

23 I honestly think you should give me -- if you were
24 to consider an exceptional down, I don't think you
25 should give me any less than what you gave me last

1 time, but I think that if I was to stay here in this
2 County Jail and be released from this County Jail, I
3 could get in contact with my DOC officer right away and
4 I could get into St. John's Hospital probably that day
5 and get set up with my surgery, you know.

6 Here, it's not getting done here from the jail
7 because it's a money issue, so. You know, my quality
8 of life will greatly improve, you know, if I can ...

9 THE COURT: All right. Thank you.

10 DEFENDANT: That's about all I have to say, your
11 Honor.

12 THE COURT: Okay. All right. Well, a couple things
13 to note, Mr. Reynolds. Registration required stems
14 from a 27-year-old case, and the efficacy of the
15 statute has always been questionable whenever it's been
16 actually researched. It's shown that it's not
17 particularly effective.

18 I understand and agree with the State's concern
19 about this coming right on the heels of giving Mr.
20 Reynolds a break, but I also think it's questionable
21 that Mr. Reynolds' mental health issues do
22 significantly interfere with his ability to follow
23 through with requirements to the statute.

24 What I'm going to do is this. I am going to impose
25 a prison sentence of 30 months. He needs frankly the

1 resources that are available in the institution. This
2 is a Class B felony up to 120 months. I'm going to
3 impose 60 months of DOC on top of that as part of the
4 exceptional in hopes that that supervision can assist
5 with his mental health issues and assist in his ability
6 to stay out of court.

7 Mr. Reynolds, quite frankly, I think there's a good
8 chance if the prosecutor decides to appeal this, the
9 basis for the exceptional may not stand up, so there's
10 a good chance you're going to be doing between 43 and
11 57 months, whether or not they choose to appeal. But
12 you have got to figure out how to have those mental
13 health resources set up so that you don't end up back
14 in this situation, and you've got to be really
15 proactive about that. Getting your physical issues
16 taken care of is obviously important, too, but you
17 cannot focus on that to the exclusion of the mental
18 health issues. Understand that?

19 DEFENDANT: Yes.

20 THE COURT: All right.

21 MR. BRITTAIN: Your Honor, findings for the
22 exception, I didn't have any prepared for today.

23 THE COURT: When will he go out? Can we have those
24 tomorrow? You won, so you write them.

25 MR. BALDWIN: Oh, I won. Could we go over to next

1 week, your Honor, if that's possible?

2 THE COURT: I want to get him out of here as soon as
3 we can.

4 MR. BALDWIN: I will try my best to have them
5 tomorrow.

6 THE COURT: Okay, tomorrow.

7 MR. BRITTAIN: And then because it was a stipulated
8 facts trial, he would need to be notified of his right
9 to appeal the actual findings.

10 THE COURT: Oh, thank you.

11 Mr. Reynolds, you were convicted on a trial, it was
12 one based on stipulated facts, but it was still a
13 trial, that means you're entitled to appeal that
14 conviction. Do you understand that?

15 DEFENDANT: Yes.

16 THE COURT: Your right to appeal is lost forever
17 unless you file that Notice of Appeal within 30 days of
18 today's date. If you need assistance filing the Notice
19 of Appeal, if you contact the Clerk's Office, they'll
20 provide that. You could have an attorney appointed to
21 represent you at no cost to you. You can have whatever
22 portions of the record are necessary to perfect that
23 appeal provided at no cost. Do you understand all
24 that?

25 DEFENDANT: Yes.

1 THE COURT: All right. Tomorrow, just enter the
2 findings on the exceptional.

3 MR. BALDWIN: Thank you, your Honor.

4 (PROCEEDINGS CONCLUDED.)

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DECLARATION OF SERVICE BY MAIL

GR 3.1

I, Bradley Reynolds, declare and say:

That on the 31st day of August, 2018, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. COA's No. 51630-6-II:

in re Cause No.: 17-1-01348-08: PRP 41 pages; attachments;
Exhibit A - Motion in Limine and attachments, 23 pages;

Exhibits B - ORS's, 8 pages; Exhibits C - WSP Records, 16 pages;

Exhibits D - Oregon GES's 18 pages; Exhibit E - Transcripts, 62 pages;
Letter of Proof of Service; and Letter of Address Change.

addressed to the following:

Derek M. Byrne, Clerk
Washington State Court of
Appeals, Division Two

950 Broadway, Suite 300
Tacoma, Washington
98402-4454

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 31 day of August, 2018, in the City of Aberdeen, County of Grays Harbor, State of Washington.

Bradley Reynolds

Signature

Bradley Reynolds

Print Name

DOC 947739 UNIT Imu
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520

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